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SCHEDULES

SCHEDULE 1

Section 1.

JOINT PLANNING BOARDS

- 1 A joint planning board constituted by an order under section 1 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.
- 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 293 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 apportionments of liabilities ;
 - (c) may contain such other provisions as appear to the Secretary of State 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 Schedule 2 to this Act.

SCHEDULE 2

Section 2.

PLANNING COMMITTEES AND JOINT ADVISORY COMMITTEES

PART I

PLANNING COMMITTEES

- 1 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.
- 2 A planning committee of a local planning authority may, subject to any restrictions imposed by the local planning authority—

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- (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.

3 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.

4 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 II

JOINT ADVISORY COMMITTEES

5 Any two or more local planning authorities may, with the approval of the Secretary of State, concur in establishing a joint advisory committee for the purpose of advising those authorities as to the preparation of structure plans and local 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 was established :

Provided that a majority of the members of any such committee shall be members of one or other of those authorities.

6 If it appears to the Secretary of State to be expedient that a joint advisory committee of any two or more local planning authorities should be established in accordance with paragraph 5 of this Schedule, 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 Secretary of State to be expedient.

7 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.

8 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.

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SCHEDULE 3

Section 5.

LOCAL PLANNING AUTHORITIES IN GREATER LONDON

Local planning authorities

- 1 Subject to paragraphs 2 and 5 of this Schedule, the Greater London Council is the local planning authority for Greater London as a whole.
- 2 (1) Subject to paragraph 3 of this Schedule, to Schedule 4 and to Part II of Schedule 5 to this Act, for all purposes of this Act the local planning authority as respects any London borough is the council of the borough ; and—
 - (a) any application under Part III of this Act for planning permission for any development; and
 - (b) any application under Part IV of this Act for listed building consent, shall be made to, and, subject to paragraph 3 of this Schedule, section 35 of this Act and paragraph 4 of Schedule 11 to this Act, shall be determined by such as may be appropriate of those councils.

(2) Except in any case or class of cases with respect to which the Greater London Council otherwise direct, the council of each London borough shall cause a copy of every decision made by them on an application mentioned in this paragraph 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.
- 3 (1) This paragraph applies to development of such a class, in such area of Greater London, as may be prescribed.
- (2) In relation to development to which this paragraph applies, the Greater London Council shall be the local planning authority for all relevant purposes of this Act other than—
 - (a) sections 94 and 95 ; and
 - (b) the reception of applications for, or with respect to the need for, planning permission for such development.
- (3) Subject to paragraph 5 of this Schedule, a council by whom there is received—
 - (a) any application for planning permission for development to which this paragraph applies ; or
 - (b) any application under section 53 of this Act in a case in which it appears to that council that the proposed action to which the application relates would constitute or involve such development if it constituted or involved development at all,shall forward the application to the Greater London Council, who shall deal with it in like manner as if it had been made to them.
- (4) Development to which this paragraph applies by the Greater London Council shall be deemed, for the purposes of section 270 of this Act, to be development by the Council of land in respect of which they are the local planning authority.
- (5) Without prejudice to paragraph 5 of this Schedule, the Greater London Council may in any particular case by instrument in writing authorise the council of a London borough to discharge on their behalf any functions under sections 87 to 95 and section 177 of this Act with respect to development to which this paragraph applies.

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- 4 The Greater London Council shall, as respects any London borough, have concurrently with the local planning authority the functions of a local planning authority under sections 58, 96 to 100, 173 and 271 of this Act, and references in those provisions to the local planning authority shall be construed accordingly.

Delegation of functions

- 5 Section 5(1) of the London Government Act 1963 shall not apply to any functions of the Greater London Council under this Act, but the Greater London Council may, with the consent of the Secretary of State, and shall if so required by the Secretary of State, delegate to the council of a London borough any of those functions so far as exercisable in that borough, and any council to whom functions are so delegated shall perform those functions on behalf of the Greater London Council.
- 6 The Greater London Council may agree with the council of a London borough for the transfer to the council of the borough of any liability of the Greater London Council to pay compensation under this Act in respect of anything done by the council of the borough in the exercise of functions delegated to them under paragraph 5 of this Schedule and for the transfer of any officers of any of those councils; and any such agreement shall include provisions in accordance with section 85(3) of the London Government Act 1963 for the protection of the interests of such officers.

Reference of applications for planning permission to Secretary of State and Greater London Council

- 7 Without prejudice to his powers, by virtue of section 31(1) or 35 of this Act, the Secretary of State may by regulations make with respect to applications for planning permission for development in Greater London provision for particular applications or applications of a particular class to be referred before they are dealt with by the local planning authority—
- (a) in the case of an application falling to be dealt with by the Greater London Council, to the Secretary of State ;
 - (b) in the case of an application falling to be dealt with by the council of a London borough—
 - (i) to the Greater London Council;
 - (ii) in such cases as the regulations may prescribe, to the Secretary of State ;
 - (c) in the case of an application referred to the Greater London Council by virtue of sub-paragraph (b)(i) of this paragraph, to the Secretary of State, and for the giving to the referring council by the Greater London Council or, as the case may be, the Secretary of State, of directions as to the manner in which the application is to be dealt with.

Interpretation of references to local planning authorities in other enactments

- 8 In relation to land in a London borough—
- (a) references to local planning authorities in any of the following enactments, that is to say—
 - (i) sections 33 and 34 of, and Schedule 2 to, the Electricity Act 1957;
 - (ii) section 108 of, and Schedule 12 to, the Highways Act 1959;
 - (iii) Schedule 1 to the Pipe-lines Act 1962,

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- shall be construed as including references to the Greater London Council but not to the council of a London borough;
- (b) the reference in section 86(4) of the Transport Act 1962 to the local planning authority to whom application is made for permission for the development in question shall be construed as a reference to the local planning authority by whom that application falls to be dealt with;
 - (c) references in section 3(2) of the Acquisition of Land (Authorisation Procedure) Act 1946, as applied by section 15 of the Opencast Coal Act 1958, to the local planning authority shall be construed as including references both to the Greater London Council and the council of the London borough;
 - (d) any reference in section 17 or 20 of the Caravan Sites and Control of Development Act 1960 to the local planning authority shall be construed as a reference to the council of a London borough ;
 - (e) any reference in Part III of the Land Compensation Act 1961 to the local planning authority shall be construed as a reference to the council of a London borough, but that council shall consult with the Greater London Council before issuing a certificate under section 17 of that Act in any case where an application for planning permission for any development to which the certificate would relate would fall to be dealt with by the Greater London Council.

SCHEDULE 4

Section 19.

DEVELOPMENT PLANS: GREATER LONDON

Survey of planning areas

- 1 The matters to be examined and kept under review under section 6 of this Act by the Greater London Council shall be such of the matters mentioned in that section as they think fit, or, in the case of a fresh survey under section 6(2) of this Act instituted in pursuance of a direction of the Secretary of State, such matters as may be specified in the direction.
- 2 The matters to be so examined or kept under review by a London borough council shall be such of the matters mentioned in the said section 6 as have not been examined or kept under review by the Greater London Council, such other matters as they may be required by the Greater London Council to examine or keep under review or, in the case of a fresh survey under the said section 6(2) instituted in pursuance of a direction of the Secretary of State, such matters as may be specified in the direction.
- 3 Any survey by a London borough council under section 6 of this Act shall be carried out on such lines as the Greater London Council may direct.

Structure plans

- 4 The Greater London development plan shall be treated for the purposes of this Act as a structure plan for Greater London approved under section 9 of this Act and may be altered under section 10 of this Act accordingly; and the Secretary of State may direct that any area or part of an area indicated by the plan (as originally approved

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under section 5 of the Act of 1962 or the corresponding provision of this Act) as an area intended for comprehensive development, redevelopment or improvement as a whole shall be treated for those purposes as an action area.

5 The structure plan required by section 7 of this Act to be prepared for any area by a London borough council shall include a restatement of so much of the provisions of the Greater London development plan, with any alterations and additions consistent with the latter plan which appear to them to be necessary or expedient, as is applicable to that area.

6 A London borough council shall send any report and structure plan prepared by them under the said section 7 to the Greater London Council for submission to the Secretary of State, and the Greater London Council shall send them on to the Secretary of State within such period as he may allow, with any observations of theirs thereon.

7 The information on which a London borough council's policy and general proposals formulated under section 7(3) of this Act are based shall include any information which the council obtain in pursuance of a direction of the Greater London Council.

8 The inclusion in the Greater London development plan of an area wholly or partly within a London borough which is to be treated as an action area shall not preclude a London borough council from selecting any other part of the borough as an action area.

9 Before giving a direction to a London borough council under section 7(4) of this Act the Secretary of State shall consult the Greater London Council and the London borough council with respect to the proposed direction.

Alterations to structure plans

10 A direction under section 10(1) of this Act to a London borough council may, instead of being given by the Secretary of State, be given by the Greater London Council with the approval of the Secretary of State.

11 Before giving such a direction the Secretary of State or Greater London Council, as the case may be, shall consult the council to whom the direction is proposed to be given.

12 The report required by section 10 of this Act to be sent by a London borough council with the proposals submitted by them under that section shall include a report of any review by the Greater London Council of the relevant matters on which the proposals are based.

13 Paragraphs 5, 6 and 7 of this Schedule shall apply with any necessary modifications in relation to proposals for the amendment of any structure plan for the whole or part of a London borough as they apply in relation to the plan to be amended.

Local plans

14 Notwithstanding anything in Schedule 3 to this Act, the Greater London Council shall not under section 11 of this Act prepare a local plan for any part of Greater London other than a plan for an action area, but the foregoing provision shall not be construed as precluding them from preparing a local plan for any area by virtue of section 17 of this Act.

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- 15 The council of a London borough any part of which is indicated by the Greater London development plan as an action area or is to be treated as an action area shall, if it falls to them and not to the Greater London Council to prepare a local plan for that area, prepare such a plan as soon as practicable after the approval of the Greater London development plan, notwithstanding that the council of that borough have not prepared a structure plan for that area.
- 16 References in section 11(6) and (9) of this Act to a structure plan shall, in relation to a local plan prepared for an action area or for an area which is to be treated as an action area by a London borough council, be construed as including references to the Greater London development plan.
- 17 The duty of the Secretary of State under section 11(10) of this Act to consult a local planning authority with respect to a direction which he proposes to give them shall, where the authority is a London borough council, include a duty to consult the Greater London Council with respect to the direction.
- 18 On sending a copy of a local plan to the Secretary of State under section 12(2) of this Act a London borough council shall also send a copy of the plan to the Greater London Council.
- 19 Section 15(3) of this Act shall, in its application to proposals made by a London borough council for the alteration of a local plan, have effect as if the reference to a provision of section 11 or 12 of this Act were a reference to that provision as modified by paragraphs 16 to 18 of this Schedule.

SCHEDULE 5

Section 21.

DEVELOPMENT PLANS: PROVISIONS IN FORCE UNTIL SUPERSEDED BY PART II OF THIS ACT

PART I

GENERAL

Surveys of planning areas and preparation of development plans

- 1 (1) Any local planning authority who have not submitted to the Secretary of State a development plan for their area shall carry out a survey of their area and shall, within such period as the Secretary of State may in any particular case allow, submit to the Secretary of State a report of the survey together with a development plan for their area.
- (2) Subject to the following provisions of this Part of this Schedule, in this Act "development plan" means a plan indicating the manner in which a local planning authority propose that land in their 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.
- (3) 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 in question with such degree of particularity as may be appropriate to different parts of the

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area ; and any such plan may in particular 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.

- (4) For the purposes of this paragraph, 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 redeveloped as a whole for any one or more of the following purposes, that is to say—
- (a) for the purposes of dealing satisfactorily with extensive war damage or conditions of bad lay-out or obsolete development; or
 - (b) 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
 - (c) for any other purpose specified in the plan;

and land may be included in any area so defined whether or not provision is made by the plan for the development or redevelopment of that particular land.

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

Approval of development plans

- 2 The Secretary of State may approve any development plan submitted to him under paragraph 1 of this Schedule, either without modification or subject to such modifications as he considers expedient.

Amendment of development plans

- 3 (1) At least once in every five years after the date on which a development plan for any area was approved by the Secretary of State, the local planning authority shall carry out a fresh survey of that area, and (subject to paragraph 1 of Schedule 7 to this Act) submit to the Secretary of State a report of the survey, together with proposals for any alterations or additions to the plan which appear to diem to be required having regard thereto.
- (2) Without prejudice to the provisions of sub-paragraph (1) of this paragraph, any local planning authority may (subject to paragraph 1 of Schedule 7 to this Act) at any time, and shall if so required by directions of the Secretary of 'State, submit to the Secretary of State proposals for such alterations or additions to the development plan for 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 Secretary of State under this paragraph, the Secretary of State may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations.

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- (4) Where in accordance with the provisions of paragraph 1(5) of this Schedule a development plan has been prepared for part of the area of a local planning authority, and has been approved by the Secretary of State, then (without prejudice to the provisions of sub-paragraph (2) of this paragraph) the periods of five years mentioned in sub-paragraph (1) of this paragraph shall run from the date on which development plans in respect of the whole of the area have been approved by the Secretary of State.

Additional powers of Secretary of State with respect to development plans

- 4 (1) Where, by virtue of any of the preceding provisions of this Schedule or of any directions of the Secretary of State thereunder, any development plan, report or proposals for alterations or additions to a development plan are required to be submitted to the Secretary of State, then—
- (a) if within the period allowed in that behalf under those provisions or directions no such plan, report or proposals, or no such plan or proposals satisfactory to the Secretary of State, have been so submitted; or
 - (b) if at any time the Secretary of State 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 Secretary of State 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 sub-paragraph (1) of this paragraph, the Secretary of State 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 Secretary of State 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.
- (3) The Secretary of State may approve any plan submitted to him under sub-paragraph (2) of this paragraph, either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend any development plan, with respect to which proposals for amendment have been submitted to him under that sub-paragraph to such extent as he considers expedient having regard to those proposals and to any other material considerations.
- (4) The preceding provisions of this Schedule shall, so far as applicable, apply to the making, approval or amendment of development plans under this paragraph, 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.
- (5) Where the Secretary of State incurs expenses under this paragraph 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, so much of those expenses as may be certified by the Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Secretary of State.
- (6) Where, under this paragraph, a plan, or proposals for the amendment of a plan, are authorised to be submitted to the Secretary of State by the local planning authority

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for any area other than the area in which the land is situated, any expenses reasonably incurred in that behalf by that authority, as certified by the Secretary of State, shall be repaid to that authority by the local planning authority for the area in which the land is situated.

*Incorporation in development plans of orders
and schemes relating to highways and new towns*

- 5 (1) Where the Secretary of State—
- (a) makes an order under section 7 of the Highways Act 1959 directing that a highway proposed to be constructed by him shall become a trunk road ; or
 - (b) makes or confirms an order or scheme under section 9, 11 or 13 of that Act, any development plan approved or made under this Schedule which relates to land on which a highway is to be constructed or altered in accordance with that order or scheme shall have effect as if the provisions of that order or scheme were included in the plan.
- (2) Where an order is made by the Secretary of State under section 1 of the New Towns Act 1965 designating an area as the site of a new town under that Act, any development plan approved or made under this Schedule which relates to land in that area shall have effect as if the provisions of that order were included in the plan.
- (3) Nothing in this paragraph shall be construed as prohibiting the inclusion in a development plan, as approved or made by the Secretary of State or as for the time being amended, of provisions—
- (a) defining the line of a highway proposed to be constructed or altered in accordance with any such order or scheme as is mentioned in sub-paragraph (1) of this paragraph ; or
 - (b) defining an area designated as the site of a new town by any such order as is mentioned in sub-paragraph (2) of this paragraph; or
 - (c) defining land as likely to be made the subject of any such order or scheme as is mentioned in either of those sub-paragraphs.
- (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 sub-paragraph (1)(a) or (2) of this paragraph, to be taken concurrently with proceedings required under this Schedule 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.

Supplementary provisions as to development plans

- 6 (1) A local planning authority, before preparing a development plan relating to any land in a county district, or proposals for alterations or additions to any such plan, shall consult with the council of that district, and shall, before submitting any such plan or proposals to the Secretary of State, give to that council an opportunity to make representations with respect thereto and shall 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 title preparation, submission, approval, making and amendment of such plans ; and such regulations shall in particular make provision for securing—

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- (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 Secretary of State of any such plan, or of proposals for the amendment of any such plan, and of any proposal by the Secretary of State 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 Secretary of State, 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 shall be held, before such a plan is approved, made or amended by the Secretary of State ; and
 - (c) that copies of any such plan as approved or made by the Secretary of State, 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 for 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 Secretary of State under this Schedule, the Secretary of State 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 preceding provisions of this paragraph, the Secretary of State 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 preceding provisions of this Schedule ;
 - (b) for requiring them to give him such information as he may require for the purpose of the exercise of any of his functions under those provisions.

Publication and date of operation of development plans

- 7 (1) Immediately after a development plan has been approved or made or amended by the Secretary of State under this Schedule, the local planning authority shall publish, in such manner as may be prescribed, 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—
- (a) on any person who duly made an objection to, or representation with respect to, the proposed plan or amendment, and has sent to the local planning authority a request in writing to serve him with the notice required by this sub-paragraph, specifying an address for service ; and
 - (b) on such other persons (if any) as may be required by general or special directions given by the Secretary of State.
- (2) Subject to the provisions of Part XII of this Act as to the validity of development plans and of amendments of such plans, a development plan, or an amendment of a

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development plan, shall become operative on the date on which the notice required by sub-paragraph (1) of this paragraph is first published.

PART II

GREATER LONDON

Development plans

- 8 (1) In the application of this Schedule to Greater London, paragraphs 1(1) and (5) and 3(1) and (2) shall not apply but the provisions of this and the next following paragraph shall have effect in place thereof.
- (2) Subject to the provisions of any order under section 84 of the London Government Act 1963, any development plans under the Act of 1962 operative on 31st March 1965 which relate, or so far as they relate, to any part of Greater London shall together constitute as from 1st April 1965 the initial development plan for Greater London.
- (3) The Greater London Council shall cause to be carried out a survey of Greater London and shall, within such period as the Secretary of State may allow, submit to the Secretary of State a report of that survey and a general development plan for Greater London, to be known as the Greater London development plan, which, subject to any regulations made (by virtue of paragraph 10(5)(e) of this Schedule) under paragraph 6 of this Schedule, shall lay down considerations of general policy with respect to the use of land in the various parts of Greater London, including in particular guidance as to the future road system, and may make any necessary consequential modifications in the initial development plan aforesaid; and as from the date when the Greater London development plan becomes operative, that plan and the initial development plan aforesaid with any modifications therein made by the Greater London development plan shall together constitute the interim development plan for Greater London.
- (4) Within such period as the Secretary of State may allow after the Greater London development plan becomes operative, each London borough council shall as respects their borough carry out on behalf of the Greater London Council such further survey, if any, as the borough council may consider necessary or as the Greater London Council may direct, and submit to the Greater London Council a report on any such further survey and a local development plan which, subject to any such regulations as aforesaid, shall restate as respects the borough the relevant provisions of the initial development plan aforesaid as modified by the Greater London development plan with any alterations and additions appearing to them necessary or expedient which are consistent with the Greater London development plan; and, without prejudice to paragraph 10(1) of this Schedule, the Greater London Council shall within such further period as the Secretary of State may allow forward any such reports and those local development plans to the Secretary of State with any observations thereon by that Council.
- (5) The development plan for the purposes of this Act for any London borough shall be the following, as amended from time to time by virtue of any provision of paragraphs 9 and 10 of this Schedule, that is to say—
- (a) as from 1st April 1965 until the Greater London development plan becomes operative, the relevant provisions of the initial development plan aforesaid ;

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- (b) as from the date when the Greater London development plan becomes operative until the date when the local development plan submitted by the borough council becomes operative, the relevant provisions of the interim development plan aforesaid;
- (c) as from the date when the said local development plan becomes operative, that plan together with the Greater London development plan.

Amendment of development plans

- 9
- (1) The Greater London Council shall from time to time cause fresh surveys of Greater London to be carried out and, not less than once in every five years after the approval of the Greater London development plan by the Secretary of State (but subject to paragraph 1 of Schedule 7 to this Act), submit to the Secretary of State a report of any such surveys together with proposals for any alterations or additions to that plan which appear to that Council to be required having regard to those surveys.
 - (2) Without prejudice to the provisions of the foregoing sub-paragraph, the Greater London Council may (subject to paragraph 1 of the said Schedule 7) at any time, and shall at any time when so directed by the Secretary of State, submit to the Secretary of State proposals for such alterations or additions as appear to the Council to be expedient or as may be required by that direction—
 - (a) in the case of proposals made before the date of the Secretary of State's approval of the Greater London development plan, to the initial development plan referred to in paragraph 8(2) of this Schedule ; or
 - (b) in the case of proposals made after that date, to the Greater London development plan.
 - (3) After the Greater London development plan has become operative, the council of any London borough may (subject to paragraph 1 of the said Schedule 7) at any time, and shall at any time when so directed by the Secretary of State or, with the approval of the Secretary of State, by the Greater London Council, after carrying out on behalf of the Greater London Council such, if any, fresh survey of the borough as may appear to the borough council to be expedient or as may be required by that direction, submit to the Greater London Council proposals for such alterations or additions as may appear expedient or as may be so required—
 - (a) in the case of proposals made before the date of the Secretary of State's approval of their local development plan under paragraph 8(4) of this Schedule, to the initial development plan aforesaid as modified by the Greater London development plan ; or
 - (b) in the case of proposals made after that date, to that local development plan ;and, without prejudice to paragraph 10(1) of this Schedule, the Greater London Council shall, within such time as the Secretary of State may allow, forward any such proposals to the Secretary of State together with any observations thereon by that Council.

Supplementary provisions as to development plans

- 10
- (1) If any local development plan submitted to the Greater London Council under paragraph 8(4) of this Schedule, or any proposal so submitted under paragraph 9(3) of this Schedule, contains any provision which in the opinion of the Greater London Council involves a departure from the Greater London development plan, that Council may, if they think fit, require the council submitting the plan or proposal

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to reconsider that provision within such period as maybe specified in the requirement, and thereupon—

- (a) unless within the period so specified the submitting council agree that the provision involves such a departure, the question shall be referred to the Secretary of State for decision ;
- (b) if the submitting council agree as aforesaid, or if on such a reference to the Secretary of State the Secretary of State decides that the provision involves such a departure, the Greater London Council may if they think fit cause that provision to be struck out from the local development plan or proposal for the purpose of its consideration by the Secretary of State ;
- (c) if on such a reference to the Secretary of State the Secretary of State decides that the provision does not involve such a departure, the provision shall be included in the local development plan or proposal for the purpose of its consideration by the Secretary of State, but the Secretary of State, if so required by the Greater London Council, shall afford that Council an opportunity to make further observations thereon.

- (2) Any survey under paragraph 8(3) or 9(1) of this Schedule shall, unless for special reasons the Greater London Council decide to carry it out themselves, be carried out on behalf of that Council by the London borough councils as respects their respective areas ; and subject to sub-paragraph (6) of this paragraph any such survey and any survey under paragraph 8(4) or 9(3) of this Schedule shall be carried out on such lines as the Greater London Council may direct.
- (3) The Greater London Council, before preparing the Greater London development plan or any proposals under paragraph 9(1) or (2) of this Schedule, shall consult with the London borough councils or, in the case of any such proposals, with such of those councils as are affected by the proposals, and before submitting the plan or proposals to the Secretary of State shall give to each of those councils an opportunity to make representations with respect to the plan or proposals and shall consider any representations so made.
- (4) A London borough council—
 - (a) when preparing their local development plan under paragraph 8(4) or any proposal under paragraph 9(3) of this Schedule shall give to the Greater London Council any information which that Council may require with respect to the matters to be included in that plan or proposal; and
 - (b) before submitting that plan or proposal to the Greater London Council shall give that Council an opportunity to make representations in the light of that information and shall consider any representations so made.
- (5) The following provisions of Part I of this Schedule, that is to say—
 - (a) paragraph 1(2), (3) and (4);
 - (b) paragraph 2 ;
 - (c) paragraph 3(3);
 - (d) paragraph 4 ;
 - (e) paragraph 6(2) and (3) ;
 - (f) paragraph 7,

shall apply for the purposes of paragraphs 8 and 9 of this Schedule with the modifications specified in sub-paragraph (7) of this paragraph as if any report or plan submitted or forwarded under paragraph 8(3) or (4) of this Schedule were a report or plan submitted under paragraph 1(1) of this Schedule and any report or proposal

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submitted or forwarded under paragraph 9 of this Schedule were a report or proposal submitted under paragraph 3 of this Schedule.

- (6) Paragraph 6(4) of this Schedule shall not apply to Greater London but, subject to any express provision contained in or having effect by virtue of this paragraph or paragraphs 8 or 9 of this Schedule, the Secretary of State may give directions—
- (a) to the Greater London Council with respect to the form and content of any directions by the Greater London Council under sub-paragraph (2) of this paragraph ;
 - (b) to that Council and to any London borough council—
 - (i) with respect to the procedure for the carrying out of the functions exercisable under or by virtue of those paragraphs by any of those councils ; and
 - (ii) with respect to the furnishing to the Secretary of State by those councils of information required for the purpose of the functions exercisable under or by virtue of those paragraphs by the Secretary of State.
- (7) In the application by virtue of sub-paragraph (5) of this paragraph of the provisions of this Schedule hereinafter mentioned—
- (a) any reference in paragraph 1(4) to the opinion of the local planning authority shall be construed as a reference to the opinion of either the Greater London Council or the council of the London borough in which the land in question is situated;
 - (b) the reference in paragraph 4(1)(b) to the local planning authority shall be construed as a reference to any of the following councils, that is to say, the Greater London Council and the London borough councils, by whom there fall to be taken the steps necessary to enable the plan, report or proposal in question to be submitted within the period in question;
 - (c) the reference in paragraph 4(4) to the preceding provisions of this Schedule shall be construed as including a reference to the provisions of paragraphs 8 and 9 of this Schedule and sub-paragraphs (1) to (4) of this paragraph ;
 - (d) any reference in paragraph 6(2) or (3) to objections or representations shall be construed as a reference only to objections or representations arising from—
 - (i) any addition, modification or alteration to the initial development plan referred to in paragraph 8(2) of this Schedule which is proposed to be effected by the Greater London development plan or which is proposed under paragraph 9(2)(a) of this Schedule ;
 - (ii) any addition or alteration to the initial development plan aforesaid as modified by the Greater London development plan which is proposed to be effected by any local development plan forwarded to the Secretary of State under paragraph 8(4) of this Schedule or which is proposed under paragraph 9(3)(d) thereof ;
 - (iii) any alteration or addition to the Greater London development plan proposed under paragraph 9(1) or (2)(b) of this Schedule ;
 - (iv) any alteration or addition to such a local development plan as aforesaid proposed under paragraph 9(3)(b) of this Schedule ;
 - (e) the reference in paragraph 7(1) to the local planning authority shall be construed—

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- (i) in relation to any amendment of the initial development plan aforesaid made before the Greater London development plan becomes operative or made by the Greater London development plan, as a reference to the Greater London Council;
- (ii) in relation to any amendment of the provisions with respect to any London borough of the initial development plan aforesaid as modified by the Greater London development plan, as a reference to the council of that borough ;
- (iii) in relation to the Greater London development plan, as a reference to the Greater London Council;
- (iv) in relation to a local development plan under paragraph 8(4) of this Schedule, as a reference to the council of the London borough in question.

SCHEDULE 6

Section 21.

DEVELOPMENT PLANS: MODIFICATIONS OF THIS ACT PENDING REPEAL OF SCHEDULE 5

- 1 After section 147(5) there shall be inserted the following subsection:—
- “(5A) Except in relation to Greater London, the reference in subsection (4) of this section to the development plan for the area in which the land is situated is a reference to the development plan for that area as approved by the Secretary of State or, if the plan so approved has been amended by the Secretary of State, to that plan as so amended.”
- 2 For section 242(1)(a) there shall be substituted:—
- “(a) a development plan or an amendment of a development plan, whether before or after it has been approved or made ; or”.
- 3 For subsections (1) and (2) of section 244 there shall be substituted:—
- “(1) If any person aggrieved by a development plan, or by an amendment of a development plan, desires to question the validity thereof or of any provision contained therein on the grounds that it is not within the powers of this Act, or that any requirement of this Act or of 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 paragraph 7(1) of Schedule 5 to this Act is first published, 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 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 ;
 - (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 requirement of this Act or of any regulation made thereunder, may quash the plan or amendment or any provision

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- contained therein, either generally or in so far as it affects any property of the applicant.”
- 4 In section 255(2)(a) for the words " a structure plan or local plan under Part II of this Act" there shall be substituted the words " a development plan under Schedule 5 to this Act ".
- 5 For section 266(1)0 there shall be substituted:—
- “(a) a development plan approved or made under Part I of Schedule 5 to this Act or the Greater London development plan may include proposals relating to the use of Crown land and any power to acquire land compulsorily under Part VI 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 ;”
- 6 After section 279 there shall be inserted the following sections:—
- “**279A** Where, in accordance with the provisions of Part III Part IV or Part V 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, the authority—
- (a) shall have regard to any directions which may be or have been given to them by the Secretary of State as to the provisions to be included in such a plan ; and
- (b) 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 their area.”
- 7 For section 280(1)(a) there shall be substituted:—
- “(a) the preparation, approval, making or amendment of a development plan relating to the land under Schedule 5 to this Act, including the carrying out of any survey under that Schedule;”
- 8 In section 290(1), for the definition of " development plan there shall be substituted:
-
- ““ development plan ' has the meaning assigned to it by paragraphs 1 and 8 of Schedule 5 to this Act, and includes a plan made in accordance with sub-paragraph (5) of the said paragraph 1 ;”
- 9 In Schedule 2, in paragraph 5, for the words " structure plans and local plans " there shall be substituted the words " development plans ".
- 10 In Schedule 3, in paragraph 7, there shall be added at the end the words " ; and in particular the Secretary of State shall make regulations under this paragraph with respect to any application which the local planning authority consider should be granted for permission for development inconsistent with the Greater London development plan referred to in paragraph 8(3) (or, as respects any period before that plan becomes operative, with the initial development plan referred to in paragraph 8(2)) of Schedule 5 to this Act
- 11 In Part I of Schedule 21 after the words " Schedules 1 and 2 " there shall be inserted the words " Part I of Schedule 5 ".

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SCHEDULE 7

DEVELOPMENT PLANS: TRANSITION FROM SCHEDULE 5 TO PART II OF THIS ACT

- 1 Until the repeal of Part I of Schedule 5 to this Act and, where applicable, paragraph 8 of that Schedule as respects any district (whether the whole or part of the area of a local planning authority), proposals for any alterations or additions to a development plan in force in the area consisting of or comprising that district shall not without the approval of the Secretary of State be submitted to him under paragraph 3 or 9 of that Schedule.
- 2 On the repeal of the said Part I and, where applicable, the said paragraph 8 as respects any district, the development plan which was in force in the area consisting of or comprising that district immediately before the repeal takes effect (hereafter in this Schedule referred to as "the old development plan") shall, subject to the following provisions of this Schedule, continue in force as respects that district and be treated for the purposes of this Act, any other enactment relating to town and country planning, the Land Compensation Act 1961, the Land Commission Act 1967 and the Highways Act 1959 as being comprised in, or as being, the development plan therefor.
- 3 Subject to the following provisions of this Schedule, where by virtue of paragraph 2 of this Schedule the old development plan for any district is treated as being comprised in a development plan for that district and there is a conflict between any of its provisions and those of the structure plan for that district, the provisions of the structure plan shall be taken to prevail for the purposes of Parts III, IV, V, VI, VII and IX of this Act and Schedule 11 to this Act.
- 4 Where a structure plan is in force in any district, but no local plan is in force in that district, a street authorisation map prepared in pursuance of the Town and Country Planning (Development Plans) Regulations 1965 or the Town and Country Planning (Development Plans for Greater London) Regulations 1966 for any area consisting of or comprising that district shall—
 - (a) if in force immediately before the structure plan comes into force be treated for the purposes of this Act as having been adopted as a local plan by the local planning authority ;
 - (b) if immediately before the structure plan comes into force it was under consideration by the Secretary of State be treated for those purposes as having been so adopted on being approved by the Secretary of State.
- 5 Where a structure plan is in force in any district, but no local plan is in force in that district, then, for any of the purposes of the Land Compensation Act 1961—
 - (a) the development plan or current development plan shall as respects that district be taken as being whichever of the following plans gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, that is to say, the structure plan, so far as applicable to the district, and any alterations thereto, together with the Secretary of State's notice of approval of the plan and alterations, and the old development plan ;
 - (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in whichever of the following areas leads to such assumptions as aforesaid, that is to say, any area wholly or partly within that district selected by the structure plan as an action area and the area so defined in the old development plan.

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- 6 Subject to paragraph 7 of this Schedule, the Secretary of State may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the area of a local planning authority or in its application to part of that area and make such consequential amendments to the plan as appear to him to be necessary or expedient.
- 7 Before making an order with respect to a development plan under paragraph 6 of this Schedule, the Secretary of State shall consult with the local planning authority for the area to which the plan relates or, where the area is a London borough, with the council of that borough and the Greater London Council.
- 8 Any reference in the preceding provisions of this Schedule to a development plan shall as respects any district in Greater London, be construed as a reference to the initial development plan within the meaning of paragraph 8 of Schedule 5 to this Act, the Greater London development plan and any development plan prepared for the area consisting of or comprising that district by the council of the relevant London borough.
- 9 Any reference in paragraphs 1 and 2 of this Schedule to the repeal of Part I of Schedule 5 to this Act or paragraph 8 of that Schedule shall, in a case where that repeal is brought into force by an order under section 21 of this Act on different days, be construed as a reference to a repeal of such of the provisions of the said Part I or the said paragraph 8 as may be specified in the order.
- 10 In relation to any development plan continued in force by virtue of this Schedule, sections 242 and 244 of this Act shall have effect with the same substitutions as are specified in paragraphs 2 and 3 of Schedule 6 to this Act.

SCHEDULE 8

Sections 22, 43, 164, 169, 180 and 278.

DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

PART I

DEVELOPMENT NOT RANKING FOR COMPENSATION UNDER S.169

- 1 The carrying out of any of the following works, that is to say—
- (a) the rebuilding, as often as occasion may require, of any building which was in existence on the appointed day, or of any building which was in existence before that day but was destroyed or demolished after 7th January 1937, including the making good of war damage sustained by any such building;
 - (b) the rebuilding, as often as occasion may require, of any building erected after the appointed day which was in existence at a material date ;
 - (c) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building, or which do not materially affect the external appearance of the building and (in either case) are works for making good war damage,
- so long as (in the case of works falling within any of the preceding sub-paragraphs) the cubic content of the original building is not exceeded—
- (i) in the case of a dwellinghouse, by more than one-tenth or 1,750 cubic feet, whichever is the greater ; and

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(ii) in any other case, by more than one-tenth.

- 2 The use as two or more separate dwellinghouses of any building which at a material date was used as a single dwellinghouse.

PART II

DEVELOPMENT RANKING FOR COMPENSATION UNDER S.169

- 3 The enlargement, improvement or other alteration, as often as occasion may require, of any such building as is mentioned in paragraph 1(a) or (b) of this Schedule, or any building substituted for such a building 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—
- (a) in the case of a dwellinghouse, by more than one-tenth or 1,750 cubic feet, whichever is the greater ; and
- (b) 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 at a material date, of any building or other operations required for the purposes of that use, other than operations for the erection, enlargement, improvement or alteration of dwellinghouses 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.
- 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 those purposes.
- 6 In the case of a building or other land which, at a material date, was used for a purpose falling within any general class specified in the Town and Country Planning (Use Classes for Third Schedule Purposes) Order 1948, or which having been unoccupied on and at all times since the appointed day, was last used (otherwise than before 7th January 1937) 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, at a material date, 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 on the day thereafter when the building began to be so used, 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 at a material date was being used for that purpose, so far as may be reasonably required in connection with the working of those minerals.

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PART III

SUPPLEMENTARY PROVISIONS

- 9 Any reference in this Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.
- 10 Where, after the appointed day, any buildings or works have been erected or constructed, or any use of land has been instituted, and any condition imposed under Part III of this Act, limiting the period for which those buildings or works may be retained, or that use may be continued, has effect in relation thereto, this Schedule shall not operate except as respects the period specified in that condition.
- 11 For the purposes of paragraph 3 of this Schedule—
- (a) 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
 - (b) where 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 that paragraph to the cubic content of the original building shall be construed as a reference to the aggregate cubic content of those buildings.
- 12 In this Schedule " at a material date" means at either of the following dates, that is to say—
- (a) the appointed day ; and
 - (b) the date by reference to which this Schedule falls to be applied in the particular case in question :
- Provided that sub-paragraph (b) of this paragraph shall not apply in relation to any buildings, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.
- 13 (1) In relation to a building erected after the appointed day, being a building resulting from the carrying out of any such works as are described in paragraph 1 of this Schedule, any reference in this Schedule to, the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.
- (2) This paragraph has effect subject to section 278(4) of this Act.

SCHEDULE 9

Sections 36, 88, 95, 97 and 103 and
paragraph 8 of Schedule 11.

DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Determination of appeals by appointed person

- 1 (1) An appeal to which this Schedule applies, being an appeal of a prescribed class, shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be determined by a person

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appointed by the Secretary of State for the purpose instead of by the Secretary of State.

- (2) Regulations made for the purpose of this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.
- (3) This paragraph shall not affect any provision contained in this Act or any instrument thereunder that an appeal shall lie to, or a notice of appeal shall be served on, the Secretary of State.

Powers and duties of person determining appeal

- 2 (1) A person appointed under this Schedule to determine an appeal shall have the like powers and duties in relation to the appeal as the Secretary of State under whichever are relevant of the following provisions, that is to say—
 - (a) in relation to appeals under section 36 subsections (3) and (5) of that section ;
 - (b) in relation to appeals under section 88 subsections (4) to (6) of that section ;
 - (c) in relation to appeals under section 95 subsections (2) and (3) of that section ;
 - (d) in relation to appeals under section 97 subsections (4) and (5) of that section ;
 - (e) in relation to appeals under section 103 sections 88(4) and (5) of this Act;
 - (f) in relation to appeals under paragraph 8 of Schedule 11 to this Act, sub-paragraph (3) of that paragraph.
- (2) The provisions of sections 36(4), 88(2), 95(4), 97(2) and paragraph 8(4) of Schedule 11 to this Act relating to the affording of an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State, shall not apply to an appeal which falls to be determined by a person appointed under this Schedule but before the determination of any such appeal the Secretary of State shall, unless (in the case of an appeal under section 36) the appeal is referred to a Planning Inquiry Commission under section 48 of this Act, ask the applicant or appellant, as the case may require, and the local planning authority whether they wish to appear before and be heard by the person so appointed, and—
 - (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to appear and be heard as aforesaid; and
 - (b) the person so appointed shall, if either of the parties expresses a wish to appear and be heard, afford to both of them an opportunity of so doing.
- (3) Where an appeal to which this Schedule applies has been determined by a person appointed under this Schedule, his decision shall be treated as that of the Secretary of State and—
 - (a) except as provided by Part XII of this Act, the validity of his decision shall not be questioned in any proceedings whatsoever;
 - (b) it shall not be a ground of application to the High Court under section 245 of this Act, or of appeal to the High Court under section 246 or 247 thereof, that the appeal ought to have been determined by the Secretary of State and not by that person, unless the challenge to the person's power to determine the appeal was made (either by the appellant or the local planning authority) before his decision on the appeal was given.
- (4) Where in any enactment (including this Act) there is a reference to the Secretary of State in a context relating or capable of relating to an appeal to which this Schedule applies, or to any thing done or authorised or required to be done by, to or before the Secretary of State on or in connection with any such appeal, then so far as the context

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permits it shall be construed, in relation to an appeal determined or falling to be determined by a person appointed under this Schedule, as a reference to that person.

Determination of appeals by Secretary of State

- 3
- (1) The Secretary of State may, if he thinks fit, direct that an appeal, which by virtue of paragraph 1 of this Schedule and apart from this sub-paragraph, falls to be determined by a person appointed by the Secretary of State shall instead be determined by the Secretary of State.
 - (2) A direction under this paragraph shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the applicant or appellant, the local planning authority and any person who has made representations relating to the subject matter of the appeal which the authority are required to take into account under section 29(3)(a) of this Act.
 - (3) Where in consequence of a direction under this paragraph an appeal to which this Schedule applies falls to be determined by the Secretary of State, the provisions of this Act which are relevant to the appeal shall, subject to the following provisions of this paragraph, apply to the appeal as if this Schedule had never applied to it.
 - (4) Where in consequence of a direction under this paragraph the Secretary of State determines an appeal himself, he shall, unless (in the case of an appeal under section 36) the appeal is referred to a Planning Inquiry Commission under section 48 of this Act, afford to the applicant or appellant, the local planning authority and any person who has made any such representations as aforesaid an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose either—
 - (a) if the reasons for the direction raise matters with respect to which either the applicant or appellant, or the local planning authority or any such person, have not made representations; or
 - (b) if the applicant or appellant or the local planning authority had not been asked in pursuance of paragraph 2(2) of this Schedule whether they wished to appear before and be heard by a person appointed to hear the appeal, or had been asked that question and had expressed no wish in answer thereto, or had expressed a wish to appear and be heard as aforesaid, but had not been afforded an opportunity of doing so.
 - (5) Except as provided by sub-paragraph (4) of this paragraph, where the Secretary of State determines an appeal in consequence of a direction under this paragraph he shall not be obliged to afford any person an opportunity of appearing before and being heard by a person appointed for the purpose, or of making fresh representations or making or withdrawing any representations already made; and in determining the appeal the Secretary of State may take into account any report made to him by any person previously appointed to determine it.

Appointment of another person to determine appeal

- 4
- (1) Where the Secretary of State has appointed a person to determine an appeal under this Schedule the Secretary of State may, at any time before the determination of the appeal, appoint another person to determine it instead of the first-mentioned person.
 - (2) If before the appointment of a person under this paragraph to determine an appeal, the Secretary of State had with reference to the person previously appointed, asked

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the question referred to in paragraph 2(2) of this Schedule, the question need not be asked again with reference to the person appointed under this paragraph and any answers to the question shall be treated as given with reference to him, but—

- (a) the consideration of the appeal or any inquiry or other hearing in connection therewith, if already begun, shall be begun afresh ; and
- (b) it shall not be necessary to afford any person an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Local inquiries and hearings

- 5 (1) A person appointed under this Schedule to determine an appeal may (whether or not the parties have asked for an opportunity to appear and be heard) hold a local inquiry in connection with the appeal and shall hold such an inquiry if the Secretary of State directs him to do so.
- (2) Subject to sub-paragraph (3) of this paragraph, the costs—
- (a) of any hearing held by virtue of paragraph 2(2)(b) of this Schedule; and
 - (b) of any inquiry held by virtue of this paragraph,
- shall be defrayed by the Secretary of State.
- (3) Subsections (2) to (5) of section 290 of the Local Government Act 1933 (evidence and costs at local inquiries) shall apply in relation to an inquiry held under this paragraph as they apply in relation to an inquiry caused to be held by a department under subsection (1) of that section, with the substitution for references to a department (other than the first reference in subsection (4)) of references to the Secretary of State,

Stopping of appeals

- 6 If before or during the determination of an appeal under section 36 of this Act which is to be or is being determined in accordance with paragraph 1 of this Schedule, the Secretary of State forms the opinion mentioned in subsection (7) of that section, he may direct that the determination shall not be begun or proceeded with.

Supplementary provisions

- 7 (1) The Tribunals and Inquiries Act 1971 shall apply to a local inquiry or other hearing held in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in section 12(1) of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by a person appointed to determine the relevant appeal under this Schedule.
- (2) The functions of determining an appeal and doing anything in connection therewith conferred by this Schedule on a person appointed to determine an appeal thereunder who is an officer of the Department of the Environment or the Welsh Office shall be treated for the purposes of the Parliamentary Commissioner Act 1967—
- (a) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of that Department; and

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- (b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

SCHEDULE 10

Section 48.

CONSTRUCTION OF REFERENCES IN SECTIONS 48 AND
49 TO "THE RESPONSIBLE MINISTER OR MINISTERS"

- 1 In relation to matters specified in the first column of the Table below (being in each case a matter mentioned in subsection (1)(a), (h), (c) or (d) of section 48 of this Act as one which may be referred to a Planning Inquiry Commission under that section) " the responsible Minister or Ministers " for the purposes of sections 48 and 49 of this Act—
- (a) in the case of a matter affecting England only, are those specified opposite in the second column of the Table;
- (b) in the case of a matter affecting Wales only, are those specified opposite in the third column of the Table ; and
- (c) in the case of a matter affecting both England and Wales, are those specified opposite in the fourth column of the Table.
- 2 Where an entry in the second, third or fourth columns of the Table specifies two or more Ministers, that entry shall be construed as referring to those Ministers acting jointly.

TABLE

Referred matter	Affecting England only	Affecting Wales only	Affecting both England and Wales
1. Application for planning permission or appeal under section 36 of this Act—			
(a) relating to land to which section 225(1) of this Act applies;	The Secretary of State for the time being having general responsibility in planning matters in relation to England and the appropriate Minister (if different).	The Secretary of State for the time being having general responsibility in planning matters in relation to Wales and the appropriate Minister (if different).	The Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales and the appropriate Minister (if different).

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Referred matter	Affecting England only	Affecting Wales only	Affecting both England and Wales
(b) relating to other land.	The Secretary of State for the time being having general responsibility in planning matters in relation to England.	The Secretary of State for the time being having general responsibility in planning matters in relation to Wales.	The Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales.
2. Proposal that a government department should give a direction under section 40 of this Act or that development should be carried out by or on behalf of a government department.	The Secretary of State for the time being having general responsibility in planning matters in relation to England and the Minister (if different) in charge of the government department concerned.	The Secretary of State for the time being having general responsibility in planning matters in relation to Wales and the Minister (if different) in charge of the government department concerned.	The Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales and the Minister (if different) in charge of the government department concerned.

SCHEDULE 11

Sections 56 and 58.

CONTROL OF WORKS FOR DEMOLITION, ALTERATION OR EXTENSION OF LISTED BUILDINGS

PART I

APPLICATIONS FOR LISTED BUILDING CONSENT

Form of application and effect of consent

- 1 (1) Provision may be made by regulations under this Act with respect to the form and manner in which applications for listed building consent are to be made, the manner in which such applications are to be advertised and the time within which they are to be dealt with by local planning authorities or, as the case may be, by the Secretary of State.
- (2) Any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested therein.
- 2 (1) Regulations under this Act may provide that an application for listed building consent, or an appeal against the refusal of such an application, shall not be entertained unless it is accompanied by a certificate in the prescribed form and

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corresponding to one or other of those described in section 27(1)(a) to (d) of this Act and any such regulations may—

- (a) include requirements corresponding to sections 27(2) and (4) and 29(3) of this Act; and
- (b) make provision as to who, in the case of any building, is to be treated as the owner for the purposes of any provision of the regulations made by virtue of this sub-paragraph.

- (2) If any person issues a certificate which purports to comply with the requirements of regulations made by virtue of this paragraph and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

Directions as to manner of dealing with applications

- 3 The provisions of section 31(2) and (3) of this Act shall apply to an application for listed building consent for any works for the demolition, alteration or extension of a building in a conservation area as they apply to an application of the kind therein mentioned.

Reference of applications to Secretary of State or Greater London Council

- 4 (1) The Secretary of State may give directions requiring applications for listed building consent to be referred to him instead of being dealt with by the local planning authority.
- (2) A direction under this paragraph may relate either to a particular application, or to applications in respect of such buildings as may be specified in the direction.
- (3) An application in respect of which a direction under this paragraph has effect shall be referred to the Secretary of State accordingly.
- (4) Before determining an application referred to him under this paragraph, the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State.
- (5) The decision of the Secretary of State on any application referred to him under this paragraph shall be final.
- 5 (1) Subject to the following provisions of this paragraph, a local planning authority (other than a London borough council) to whom application is made for listed building consent shall not grant such consent, unless they have notified the Secretary of State of the application (giving particulars of the works for which the consent is required) and either—
- (a) a period of twenty-eight days has expired, beginning with the date of the notification, without the Secretary of State having directed the reference of the application to him ; or
 - (b) the Secretary of State has notified the authority that he does not intend to require the reference of the application.
- (2) The Secretary of State may at any time before the said period expires give notice to the authority that he requires further time in which to consider whether to require

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the reference of the application to him and sub-paragraph (1) of this paragraph shall then have effect with the substitution for a period of twenty-eight days of such longer period as may be specified in the Secretary of State's notice.

- 6 (1) Subject to the following provisions of this paragraph, where application for listed building consent is made to a local planning authority, being a London borough council, and the authority do not determine to refuse it, they shall notify the Greater London Council of the application (giving particulars of the works for which the consent is required) and shall not grant such consent unless authorised or directed to do so under sub-paragraph (2) of this paragraph.
- (2) On receipt of notification under sub-paragraph (1) of this paragraph the Greater London Council may either—
- (a) authorise the local planning authority to grant or refuse the application, as they think fit; or
 - (b) give them directions as to how they are to determine it.
- (3) The Greater London Council shall not authorise the local planning authority as mentioned in sub-paragraph (2)(a) of this paragraph, nor under sub-paragraph (2)(b) of this paragraph direct them to grant listed building consent, unless the Council have notified the Secretary of State of the application made to the local planning authority (giving particulars of the works for which the consent is required) and either—
- (a) a period of twenty-eight days has expired, beginning with the date of the notification, without the Secretary of State having directed the reference of the application to him ; or
 - (b) the Secretary of State has notified the Council that he does not intend to require the reference of the application.
- (4) The Secretary of State may at any time before the said period of twenty-eight days expires give notice to the Council that he requires further time in which to consider whether to require the reference of the application to him and sub-paragraph (3) of this paragraph shall then have effect with the substitution for the period of twenty-eight days of such longer period as may be specified in the Secretary of State's notice.
- 7 (1) The Secretary of State may give directions that, in the case of such descriptions of applications for listed building consent as he may specify, other than such consent for the demolition of a building, paragraphs 5 and 6 of this Schedule shall not apply; and accordingly, so long as the directions are in force local planning authorities may determine applications of such descriptions in any manner they think fit, without notifying the Secretary of State or, as the case may be, the Greater London Council.
- (2) Without prejudice to the preceding provisions of this Schedule, the Secretary of State may give directions to local planning authorities requiring them, in such cases or classes of case as may be specified in the directions, to notify to him and to such other persons as may be so specified any applications made to them for listed building consent, and the decisions taken by the authorities thereon.

Appeal against decision

- 8 (1) Where an application is made to the local planning authority for listed building consent and the consent is refused by the authority or is granted by them subject to conditions, the applicant, if he is aggrieved by the decision, may by notice served in the prescribed manner within such period, as may be prescribed, not being less than

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twenty-eight days from the receipt by him of notification of the decision, appeal to the Secretary of State.

- (2) A person appealing under this paragraph may include in his notice thereunder, as the ground or one of the grounds of his appeal, a claim that the building is not of special architectural or historic interest and ought to be removed from any list compiled or approved by the Secretary of State under section 54 of this Act, or—
 - (a) in the case of a building to which subsection (10) of that section applies, that the Secretary of State should give a direction under that subsection with respect to the building; or
 - (b) in the case of a building subject to a building preservation notice under section 58 of this Act, that the building should not be included in a list compiled or approved under the said section 54.
- (3) Subject to the following provisions of this paragraph, the Secretary of State may allow or dismiss an appeal thereunder, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, and—
 - (a) may deal with the application as if it had been made to him in the first instance ; and
 - (b) may, if he thinks fit, exercise his power under section 54 of this Act to amend any list compiled or approved thereunder by removing from it the building to which the appeal relates or his power under subsection (10) of that section to direct that that subsection shall no longer apply to the building.
- (4) Before determining an appeal under this paragraph, the Secretary of State 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 Secretary of State for the purpose.
- (5) The decision of the Secretary of State on any appeal under this paragraph shall be final.
- (6) Schedule 9 to this Act applies to appeals under this paragraph.

Appeal in default of decision

- 9 Where an application is made to the local planning authority for listed building consent, then unless within the prescribed period from the date of the receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—
- (a) give notice to the applicant of their decision on the application ; or
 - (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under paragraph 4 of this Schedule,

the provisions of paragraph 8 of this Schedule shall apply in relation to the application as if listed building consent had been refused by the authority and as if notification of their decision had been received by the applicant at the end of the prescribed period or at the end of the said extended period, as the case may be.

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PART II

REVOCATION OF LISTED BUILDING CONSENT

- 10 (1) If it appears to the local planning authority, having regard to the development plan and to any other material considerations, that it is expedient to revoke or modify listed building consent in respect of any works to a building, being consent granted on an application made under Part I of this Schedule, the authority, subject to the following provisions of this paragraph, may by order revoke or modify the consent to such extent as (having regard to those matters), they consider expedient.
- (2) Except as provided in paragraph 12 of this Schedule, an order under this paragraph shall not take effect unless it is confirmed by the Secretary of State ; and the Secretary of State may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.
- (3) Where a local planning authority submit an order to the Secretary of State for confirmation under this paragraph, the authority shall serve notice on the owner and on the occupier of the building affected and on any other person who in their opinion will be affected by the order; and if within such period as may be specified in that notice (not being less than twenty-eight days after the service thereof) any person on whom the notice is served so requires, the Secretary of State, before confirming the order, shall afford to that person and to the local planning authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (4) The power conferred by this paragraph to revoke or modify listed building consent in respect of any works may be exercised at any time before those works have been completed, but the revocation or modification shall not affect so much of those works as has been previously carried out.
- 11 (1) If it appears to the Secretary of State, after consultation with the local planning authority, to be expedient that an order under paragraph 10 of this Schedule should be made, he may give directions to the 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 Secretary of State shall have the like effect as if it had been made by the authority and confirmed by the Secretary of State under that paragraph.
- (2) The provisions of paragraph 10 of this Schedule shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order by virtue of this paragraph, in relation to the making thereof by the Secretary of State and in relation to the service of copies thereof as so made.
- 12 (1) The following provisions shall have effect where the local planning authority have made an order under paragraph 10 of this Schedule but have not submitted the order to the Secretary of State for confirmation by him, and—
- (a) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to the order; and
 - (b) it appears to the authority that no claim for compensation is likely to arise under section 172 of this Act on account of the order.
- (2) The authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement shall specify—

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- (a) the period (not being less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by the order may give notice to the (Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose ; and
 - (b) the period (not being less than fourteen days from the expiration of the period referred to in paragraph (a) of this sub-paragraph) at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this paragraph and without being confirmed by the Secretary of State.
- (3) The authority shall also serve notice to the same effect on the persons mentioned in sub-paragraph (1)(a) of this paragraph, and the notice shall include a statement to the effect that no compensation is payable under section 172 of this Act in respect of an order under paragraph 10 of this Schedule which takes effect by virtue of this paragraph and without being confirmed by the Secretary of State.
- (4) The authority shall send a copy of any advertisement published under sub-paragraph (2) of this paragraph to the Secretary of State, not more than three days after the publication.
- (5) If within the period referred to in sub-paragraph (2)(a) of this paragraph no person claiming to be affected by the order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that the order be submitted to him for confirmation, the order shall, at the expiration of the period referred to in sub-paragraph (2)(b) of this paragraph, take effect by virtue of this paragraph and without being confirmed by the Secretary of State as required by paragraph 10(2) of this Schedule.
- (6) This paragraph does not apply to an order revoking or modifying a listed building consent granted by the Secretary of State.

PART III

PROVISIONS APPLICABLE ON LAPSE OF BUILDING PRESERVATION NOTICE

- 13 The provisions of this Part of this Schedule apply where a building preservation notice ceases to be in force by virtue of section 58(3) of this Act, otherwise than by reason of the building to which it relates being included in a list compiled or approved under section 54 of this Act.
- 14 The fact that the building preservation notice has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 55 or 98 of this Act committed by him with respect to the said building while the notice was in force.
- 15 Any proceedings on or arising out of an application for listed building consent made while the building preservation notice was in force shall lapse and any listed building consent granted with respect to the building, while the notice was in force, shall also lapse.
- 16 Any listed building enforcement notice served by the local planning authority while the building preservation notice was in force shall cease to have effect and any proceedings thereon under sections 96 and 97 of this Act shall lapse, but section 99(1) and (2) of this Act shall continue to have effect as respects any

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expenses incurred by the local authority, owner or occupier as therein mentioned and with respect to any sums paid on account of such expenses.

SCHEDULE 12

Section 83.

OFFICE DEVELOPMENT IN METROPOLITAN REGION: PLANNING PERMISSION GRANTED BEFORE PASSING OF ACT OF 1965

Certain planning permissions treated as of no effect

- 1 (1) Where before 5th August 1965 an application was made to the local planning authority for planning permission for development consisting of or including the erection on land in Greater London of a building containing office premises, or consisting of or including the extension of a building on land in Greater London by the addition of office premises, and on that application planning permission for such development was granted before that date, then, unless that planning permission was granted before 5th November 1964 and either—
- (a) a building was before the said 5th November erected, or (as the case may be) the building was before the said 5th November extended, in accordance with that planning permission ; or
 - (b) a building contract was made before the said 5th November which specifically related to the land, or part of the land, in respect of which the planning permission was granted and which provided for the erection thereon of such a building, or the making of such an extension, in accordance with that planning permission,
- the provisions of sub-paragraph (4) of this paragraph shall (except where sub-paragraph (3) of this paragraph or paragraph 3 of this Schedule applies) have effect in relation to that planning permission.
- (2) Where before 5th August 1965 an application was made to the local planning authority for planning permission—
- (a) to carry out, on land in Greater London, development to which these provisions apply, other than such development as is mentioned in sub-paragraph (1) of this paragraph ; or
 - (b) to carry out any development to which these provisions apply on land within the metropolitan region but outside Greater London,
- and on that application planning permission to carry out the development in question was granted before that date, then, unless the planning permission was granted before 5th November 1964, the provisions of sub-paragraph (4) of this paragraph shall (except where sub-paragraph (3) of this paragraph applies) have effect in relation to that planning permission.
- (3) Notwithstanding anything in sub-paragraph (1) or (2) of this paragraph, the provisions of sub-paragraph (4) of this paragraph shall not have effect in relation to planning permission for any development if the office floor space to be created by that development does not exceed 3,000 square feet.
- (4) Where in accordance with sub-paragraphs (1) to (3) of this paragraph the provisions of this sub-paragraph are to have effect in relation to planning permission granted for carrying out development on land within the metropolitan region, then, subject to paragraph 2 of this Schedule—

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- (a) the planning permission shall by virtue of this paragraph be deemed not to have effect so long as that land continues to be land within an area to which these provisions apply ;
 - (b) for the purposes of Part V of this Act anything done before the passing of this Act, as well as anything done after the passing of this Act at a time when that land continues to be land within such an area, shall, in so far as (apart from this sub-paragraph) it was development authorised by that planning permission, be deemed to have been done without the grant of planning permission ; and
 - (c) for the purposes of section 75(3)(a) of this Act that planning permission shall be disregarded.
- (5) Where in any proceedings (whether civil or criminal) it falls to be determined whether the provisions of sub-paragraph (4) of this paragraph have effect in relation to a grant of planning permission, and the question arises whether a building contract was made as mentioned in sub-paragraph (1)(b) of this paragraph, the burden of proving that a building contract was so made shall be on the party who alleges it

Effect of grant of office development permit

- 2
- (1) Where, in accordance with the provisions of paragraph 1 of this Schedule, sub-paragraph (4)(a) and (b) of that paragraph have effect in relation to planning permission granted for carrying out development on land within the metropolitan region, and an office development permit in respect of that development is issued under these provisions, the said sub-paragraph (4)(a) and (b) shall thereupon cease to have effect in relation to that planning permission.
 - (2) Where planning permission for carrying out development on land within the metropolitan region having been granted before 5th August 1965, an office development permit in respect of that development is issued in the circumstances specified in sub-paragraph (1) of this paragraph and conditions are attached to that permit, the planning permission shall be deemed to have been granted subject to the conditions attached to the office development permit, or (if any other conditions were imposed by the authority granting the permission) to have been granted subject to the conditions attached to the permit in addition to the other conditions.
 - (3) Section 82 of this Act shall have effect as if in subsection (5) the reference to sections 77 to 81 of this Act included a reference to this paragraph.

Mixed industrial and office development

- 3
- Where before 5th August 1965 an application was made to the local planning authority for planning permission for development consisting of or including the erection on land in Greater London of a building containing office premises or consisting of or including the extension of a building on land in Greater London by the addition of office premises together with other premises, and—
- (a) in accordance with sections 38 and 39 of the Act of 1962 an industrial development certificate was required for that development and such a certificate was issued in respect of it by the Board of Trade ; and
 - (b) planning permission for the development was granted before 5th November 1964,
- then notwithstanding that neither of the conditions specified in sub-paragraph (1) (a) and (b) of paragraph 1 of this Schedule is fulfilled, the provisions of sub-

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paragraph (4) of that paragraph shall not have effect in relation to that planning permission.

Enforcement notices

- 4 (1) This paragraph applies to any enforcement notice which—
- (a) relates to the carrying out of development consisting of or including the erection or extension of a building on land in Greater London ; and
 - (b) states that it is served on the grounds that, notwithstanding that planning permission for that development was granted before 5th August 1965, the development is by virtue of paragraph 1(4) of this Schedule deemed to have been carried out without the grant of planning permission.
- (2) An enforcement notice to which this paragraph applies shall not be served except by the Secretary of State or in pursuance of directions given by the Secretary of State under section 276(5) of this Act.
- (3) An enforcement notice to which this paragraph applies—
- (a) may be served on any person who, in pursuance of a building contract to which he is a party, is engaged in carrying out operations for the erection or extension of the building in question, in addition to any other persons on whom (by virtue of section 87(4) of this Act) the notice is required or authorised to be served;
 - (b) may require any such operations to be discontinued forth with, either instead of, or in addition to, any other steps which (in accordance with section 87(6) (b) and (7) of this Act) may be required by the notice to be taken.
- (4) In so far as an enforcement notice to which this paragraph applies requires any operations to be discontinued forthwith—
- (a) the notice, notwithstanding anything in section 87(8) of this Act, shall take effect immediately on its being served; and
 - (b) section 88(3) of this Act shall not apply to the notice ;
- but nothing in this sub-paragraph shall affect the operation of section 87(8) or 88(3) of this Act in relation to such a notice in so far as the notice requires any other steps to be taken.
- (5) An enforcement notice to which this paragraph applies shall specify a period (not being less than twenty-eight days after the service thereof) within which an appeal may be brought against the notice ; and in relation to such a notice section 88(1) of this Act shall have effect with the substitution, for the words " the period at the end of which it is to take effect " , of the words " the period within which an appeal may be brought against the notice."
- (6) In relation to any enforcement notice to which this section applies, the grounds on which an appeal may be brought under section 88 of this Act shall not include those specified in paragraphs (a) and (b) of subsection (1) of that section, but shall include the grounds specified in sub-paragraph (7) of this paragraph ; and the grounds specified in that sub-paragraph shall be deemed to be included among those mentioned in section 243(1)(a) of this Act.
- (7) The grounds referred to in sub-paragraph (6) of this paragraph are the following—
- (a) that the development to which the enforcement notice relates does not consist of or include the erection on land in Greater London of a building containing

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- office premises, or the extension of a building on land in Greater London by the addition of office premises ;
- (b) that a building was erected before 5th November 1964, or (as the case may be) the building in question was before that date extended, in accordance with planning permission for the development to which the enforcement notice relates ;
 - (c) that a building contract was made before that date which specifically related to the land, or part of the land, in respect of which planning permission was granted for the development to which the enforcement notice relates and which provided for the erection thereon of such a building as is mentioned in paragraph (a) of this sub-paragraph, or for the making of such an extension as is mentioned in that paragraph, in accordance with that planning permission ;
 - (d) that the office floor space to be created by the development to which the enforcement notice relates does not exceed 3,000 square feet;
 - (e) that an industrial development certificate was required for development consisting of or including the development to which the enforcement notice relates and that such a certificate was issued in respect of it by the Board of Trade.
- (8) Where an enforcement notice to which this paragraph applies requires any operations to be discontinued, any person on whom the notice has been served who continues those operations, or causes or permits them to be continued, in contravention of the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (9) If, after a person has been convicted of an offence under sub-paragraph (8) of this paragraph, he further continues the operations (whether immediately or after an interval) in contravention of the notice, or causes or permits them to be so continued, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £20 for each day on which he so continues the operations or causes or permits them to be so continued.
- (10) Where an enforcement notice to which this paragraph applies has been served, and either of the following events occurs, that is to say—
- (a) an office development permit is issued in respect of the development to which the notice relates ; or
 - (b) planning permission for any development of the land to which the notice relates is granted authorising (either unconditionally or subject to conditions) the operations to which the notice relates to be continued,
- the enforcement notice shall not have effect in so far as it would prevent or restrict the doing of anything after that event occurs.

Power to require information as to building contracts

- 5 (1) Where it appears to the Secretary of State that, in accordance with planning permission granted before 5th November 1964, operations for the erection on land in Greater London of a building containing office premises, or for the extension of a building on land in Greater London by the addition of office premises, have been begun on or after that date (whether before or after the passing of this Act) or had been begun but not completed before that date or are about to begin, and no office development permit in respect of the erection or extension of that building has been issued, the Secretary of State may serve on any person who is—

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- (a) the applicant on whose application the planning permission was granted; or
- (b) the owner of the land ; or
- (c) the person carrying out or about to carry out the operations,

a notice under this paragraph requiring him to furnish to the Secretary of State such information, and to produce for examination on behalf of the Secretary of State documents in that person's custody or under his control of any such description, as may be specified in the notice for the purpose of enabling the Secretary of State to ascertain whether a building contract for the erection or extension of the building was made before 5th November 1964 and who is the owner of the land.

- (2) A notice under this paragraph may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified:

Provided that the time specified in such a notice for furnishing any information or producing, any document shall not be earlier than the end of the period of twenty-eight days- after the service of the notice.

- (3) If any person on whom a notice is served under this paragraph fails without reasonable excuse to comply with a requirement imposed by the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 ; and if any such person—
 - (a) in furnishing any information required by the notice, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular ; or
 - (b) produces for examination in accordance with the notice a document which to his knowledge has been wilfully falsified,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

Planning permission to retain buildings or continue use of land

- 6 (1) In relation to any planning permission granted before 5th August 1965 in accordance with section 32(2) of this Act (in this section referred to as a " section 32 permission ") relating to land within the metropolitan region, where the circumstances are such that any of the provisions specified in sub-paragraph (2) of this paragraph would have had effect in relation thereto if it had been a corresponding grant of planning permission for development, those provisions shall have effect as if it had been a corresponding grant of planning permission for development.
- (2) The provisions referred to in sub-paragraph (1) of this paragraph are paragraphs 1, 2(1), 4 and 5 of this Schedule ; and in that sub-paragraph "corresponding grant of planning permission for development", in relation to a section 32 permission, means a grant of planning permission to construct or carry out the building or works, or to institute the use of land, of which the section 32 permission authorises the retention or continuance or (as the case may be) authorises the retention or continuance without complying with a condition previously imposed.

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Planning permission where no office development permit required

- 7 (1) This paragraph applies to any planning permission granted on or after 5th November 1964 but before 5th August 1965 for the erection of a building on land within the metropolitan region where either the erection of that building is not development to which these provisions apply or it is such development but no office development permit is required for it
- (2) Any planning permission to which this paragraph applies shall be deemed to have been granted subject to the following condition (in addition to any other conditions imposed by the authority granting the permission), that is to say, that the use of the building, whether as originally erected or as subsequently extended or altered, shall be restricted so that (whether in consequence of a change of use or otherwise) it does not at any time contain office premises having an aggregate office floor space which exceeds 3,000 square feet.
- (3) Section 82 of this Act shall have effect as if in subsection (5) the reference to sections 77 to 81 of this Act included a reference to this paragraph.
- (4) For the purposes of this paragraph " office premises " has the meaning assigned by section 73(4) of this Act.

SCHEDULE 13

Section 85.

OFFICE DEVELOPMENT: METROPOLITAN REGION OUTSIDE GREATER LONDON

- 1 In Bedfordshire—
the borough of Dunstable,
the urban district of Leighton-Linslade,
the rural district of Luton.
- 2 In Berkshire—
the boroughs of Maidenhead, New Windsor and Wokingham,
the rural districts of Bradfield, Cookham, Easthampstead, Windsor and Wokingham.
- 3 In Buckinghamshire—
the boroughs of Aylesbury, High Wycombe and Slough,
the urban districts of Beaconsfield, Bletchley, Chesham, Eton, and Marlow,
the rural districts of Amersham, Aylesbury, Eton, Wing and Wycombe.
- 4 In Essex—
the borough of Chelmsford,
the urban districts of Basildon, Benfleet, Brentwood, Canvey Island, Epping, Harlow, Rayleigh, Thurrock, Waltham Holy Cross and Chigwell,
the rural districts of Chelmsford, Epping and Ongar and Rochford.
- 5 In Hampshire—
the borough of Aldershot,
the urban districts of Farnborough and Fleet,
the rural district of Hardey Wintney.
- 6 The administrative county of Hertfordshire.

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- 7 In Kent—
 the boroughs of Chatham, Dartford, Gravesend, Gillingham, Maidstone, Rochester and Royal Tunbridge Wells,
 the urban districts of Northfleet, Sevenoaks, Southborough, Swanscombe and Tonbridge,
 the rural districts of Dartford, Maidstone, Mailing, Sevenoaks, Strood and Tonbridge.
- 8 In Oxfordshire—
 the borough of Henley-on-Thames,
 the rural district of Henley.
- 9 The administrative county of Surrey.
- 10 In East Sussex—
 the urban districts of Burgess Hill, Cuckfield and East Grinstead,
 the rural districts of Cuckfield and Uckfield.
- 11 In West Sussex—
 the urban districts of Crawley and Horsham,
 the rural district of Horsham.
- 12 The county borough of Luton.
- 13 The county borough of Reading.
- 14 The county borough of Southend-on-Sea.

SCHEDULE 14

Section 94.

PROVISIONS AS TO ESTABLISHED USE CERTIFICATES

Application for certificate and appeal against refusal thereof

- 1 An application for an established use certificate shall be made in such manner as may be prescribed by a development order, and shall include such particulars, and be verified by such evidence, as may be required by such an order or by any directions given thereunder, or by the local planning authority or, in the case of an application referred to the Secretary of State, by him.
- 2 Provision may be made by a development order for regulating the manner in which applications for established use certificates are to be dealt with by local planning authorities, and, in particular—
- (a) for requiring the authority to give to any applicant for such a certificate, 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 ;
 - (b) for requiring the authority to give to the Secretary of State 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 such certificates made to the authority, including information as to the manner in which any such application has been dealt with.

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- 3 (1) A development order may provide that an application for an established use certificate, or an appeal against the refusal of such an application, shall not be entertained unless it is accompanied by a certificate in such form as may be prescribed by the order and corresponding to one or other of those described in section 27(1)(a) to (d) of this Act; and any such order may—
- (a) include requirements corresponding to section 27(2), (3) and (4), and section 29(3) of this Act; and
 - (b) make provision as to who, in the case of any land, is to be treated as the owner for the purposes of any provision of the order made by virtue of this sub-paragraph.
- (2) If any person issues a certificate which purports to comply with any provision of a development order made by virtue of sub-paragraph (1) above and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

Provisions with respect to grant of certificate

- 4 An established use certificate shall be in such form as may be prescribed by a development order and shall specify—
- (a) the land to which the certificate relates and any use thereof which is certified by the certificate as established;
 - (b) by reference to the paragraphs of section 94(1) of this Act, the grounds on which that use is so certified; and
 - (c) the date on which the application for the certificate was made, which shall be the date at which the use is certified as established.
- 5 Where the Secretary of State grants an established use certificate, he shall give notice to the local planning authority of that fact.
- 6 In section 34 of this Act references to applications for planning permission shall, include references to applications for established use certificates ; and the information which may be prescribed as being required to be contained in a register kept under that section shall include information with respect to established use certificates granted by the Secretary of State.

SCHEDULE 15

Section 138.

ADJUSTMENT OF CLAIM HOLDINGS

PART I

ADJUSTMENT OF CLAIM HOLDINGS PLEDGED TO CENTRAL
LAND BOARD AS SECURITY FOR DEVELOPMENT CHARGES

- 1 (1) In this Part of this Schedule references to the pledging of a claim holding to the Central Land Board are references to any transaction whereby—

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- (a) the holder of the claim holding mortgaged it to the Central Land Board as security, or part of the security, for one or more development charges determined, or thereafter to be determined, by the Board ; or
 - (b) the holder and the Central Land Board agreed that a development charge determined by the Board should be set off against any payment which might thereafter become payable to the holder by reference to that holding ; or
 - (c) the Central Land Board refrained from determining a development charge, which would otherwise have fallen to be determined by them, in consideration of a mortgage of the holding, with or without other claim holdings.
- (2) All pledges of claim holdings to the Central Land Board made by the same person, whether or not made at the same time, other than any pledge to which paragraph 2(1) of this Schedule applies, shall for the purposes of this Part of this Schedule be treated collectively as a single pledge made at the time when the last of those pledges was made.
- (3) Where a development charge covered by a pledge to the Central Land Board was determined in respect of land consisting of, or forming part of, the area of a claim holding—
- (a) which was not comprised in the pledge ; but
 - (b) whose holder immediately before the time of completion was the person who would, apart from the pledge, have been liable to pay the unpaid balance of the development charge,
- then, for the purposes of this Part of this Schedule, that claim holding shall be deemed to have been comprised in the pledge.
- (4) In this Part of this Schedule references to the determination of a development charge in respect of any land are references to a determination of the Central Land Board that the charge was payable in respect of the carrying out of operations in, on, over or under that land, or in respect of the use of that land.
- (5) For the purposes of this Part of this Schedule the amount of a development charge—
- (a) in a case where the Central Land Board determined that amount as a single capital payment, shall be taken to have been the amount of that payment; and
 - (b) in a case where the Board determined that amount other wise than as a single capital payment, shall be taken to have been the amount of the single capital payment which would have been payable if the Board had determined the amount as such a payment;
- and references in this Part of this Schedule to the unpaid balance of a development charge are references to the amount of the charge, if no sum was actually paid to the Board on account of the charge, or if any sum was so paid, are references to the amount of the charge reduced by the amount or aggregate amount of the sum or sums so paid, other than any sum paid by way of interest.
- (6) In relation to the pledging of a claim holding to the Central Land Board, references in this Part of this Schedule to a development charge covered by the pledge are references to a development charge the payment of which was secured, or partly secured, by the pledge, or, as the case may be, which was agreed to be set off against any payment which might become payable by reference to that claim holding.
- (7) References in this Part of this Schedule to a mortgage of a claim holding do not include a mortgage which was subsequently discharged.

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- 2 (1) Where a claim holding was pledged to the Central Land Board in accordance with the special arrangements relating to owners of single house plots, that claim holding shall, subject to sub-paragraph (2) of this paragraph, be deemed to have been extinguished as from the time when it was pledged to the Board.
- (2) Where a claim holding (in this sub-paragraph referred to as " the original holding ") was pledged as mentioned in sub-paragraph (1) of this paragraph but was so pledged by reference to a plot of land which did not extend to the whole of the area of the original holding, that sub-paragraph shall not apply, but there shall be deemed to have been substituted for the original holding, as from the time of the pledge, a claim holding with an area consisting of so much of the area of the original holding as was not comprised in that plot of land, and with a value equal to that fraction of the value of the original holding which then attached to so much of the area of the original holding as was not comprised in that plot.
- 3 Without prejudice to paragraph 2 of this Schedule, where a pledge to the Central Land Board comprised one or more claim holdings, and the unpaid balance of the development charge covered by the pledge, or (if more than one) the aggregate of the unpaid balances of the development charges so covered, was equal to or greater than the value of the claim holding, or the aggregate value of the claim holdings, as the case may be, the holding or holdings shall be deemed to have been extinguished as from the time of the pledge.
- 4 Where a pledge to the Central Land Board comprised only a single claim holding with an area of which every part either consisted of, or formed part of, the land in respect of which some development charge covered by the pledge was determined, and paragraph 3 of this Schedule does not apply, the value of that claim holding shall be deemed to have been reduced, as from the time of the pledge, by the unpaid balance of the development charge covered by the pledge, or (if more than one) by the aggregate of the unpaid balances of all the development charges covered by the pledge.
- 5 (1) The provisions of this paragraph shall have effect in the case of a pledge of one or more claim holdings to the Central Land Board to which neither paragraph 3 nor paragraph 4 of this Schedule applies.
- (2) Any claim holding comprised in the pledge with an area of which every part either consisted of, or formed part of, the land in respect of which some development charge covered by the pledge was determined shall be allocated to the development charge in question, or (if more than one) to those development charges collectively.
- (3) Any claim holding comprised in the pledge with an area part of which did, and part of which did not, consist of, or form part of, such land as is mentioned in sub-paragraph (2) of this paragraph shall be treated as if, at the time of the pledge, the claim holding (in this sub-paragraph referred to as "the parent holding") had been divided into two separate claim holdings, that is to say—
- (a) a claim holding with an area consisting of so much of the area of the parent holding as consisted of, or formed part of, such land as is mentioned in sub-paragraph (2) of this paragraph, and with a value equal to that fraction of the value of the parent holding which then attached to that part of the area of the parent holding ; and
- (b) a claim holding with an area consisting of the residue of the area of the parent holding, and with a value equal to that fraction of the value of the parent holding which then attached to the residue of the area of the parent holding,

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and the claim holding referred to in head (a) of this sub-paragraph shall be allocated to the development charge in question, or (if more than one) to those development charges collectively.

- (4) Paragraph 3 or paragraph 4 of this Schedule shall then apply in relation to each claim holding (if any) allocated in accordance with sub-paragraph (2) or sub-paragraph (3) of this paragraph to any development charge, or to any development charges collectively, as if the pledge had comprised only that claim holding and had covered only that development charge or those development charges.
- (5) If, after the application of the preceding provisions of this paragraph, there remains outstanding any claim holding not allocated in accordance with those provisions, or any claim holding which (having been so allocated) is deemed to have been reduced in value but not extinguished, an amount equal to the aggregate of—
- (a) the unpaid balance of any development charge covered by the pledge to which no claim holding was so allocated ; and
 - (b) the amount (if any) by which the value of any claim holding so allocated which is deemed to have been extinguished falls short of the unpaid balance of the development charge, or the aggregate of the unpaid balances of the development charges, to which it was so allocated,

shall be treated as having been deducted from the value of the claim holding so remaining outstanding, or (if more than one) as having been deducted rateably from the respective values of those claim holdings, and the value of any such holding shall be deemed to have been reduced accordingly as from the time of the pledge.

PART II

ADJUSTMENT BY REFERENCE TO PAYMENTS IN RESPECT OF WAR-DAMAGED LAND

- 6 (1) The provisions of this Part of this Schedule shall have effect where a payment under the scheme has become, or becomes payable in respect of an interest in land, and a claim holding related (or would, apart from this Part of this Schedule, have related) to the like interest in the whole or part of that land, with or without any other land.
- (2) In this Part of this Schedule " the scheme " means the scheme made under section 59 of the Act of 1947, " the date of the scheme " means 12th December 1949, and "payment under the scheme " means a payment which has become, or becomes, payable by virtue of the scheme.
- (3) In relation to any payment under the scheme " the payment area ", in this Part of this Schedule, means the land in respect of which the payment became or becomes payable, and references to the amount of the payment shall be construed as references to the principal amount thereof, excluding any interest payable thereon in accordance with section 65(3) of the Act of 1947.
- 7 If the payment area is identical with the area of the claim holding, then—
- (a) in the case of a payment of an amount equal to the value of the claim holding, the claim holding shall be deemed to have been extinguished as from the date of the scheme ;
 - (b) in the case of a payment of an amount less than the value of the claim holding, the value of the claim holding shall be deemed to have been reduced, as from the date of the scheme, by the amount of the payment.

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- 8 (1) If the payment area forms part of the area of the claim holding, the holding (in this paragraph referred to as "the parent holding") shall be treated, as from the date of the scheme, as having been divided into two claim holdings, that is to say—
- (a) a claim holding with an area consisting of that part of the area of the parent holding which constituted the payment area, and with a value equal to that fraction of the value of the parent holding which attached to that part of the area of the parent holding ; and
 - (b) a claim holding with an area consisting of the residue of the area of the parent holding, and with a value equal to that fraction of the value of the parent holding which attached to the residue of the area of the parent holding.
- (2) Where sub-paragraph (1) of this paragraph applies, paragraph 7 of this Schedule shall have effect in relation to the claim holding referred to in sub-paragraph (1)(a) of this paragraph as if it were the parent holding.
- 9 If the payment area includes the area of the claim holding together with other land, paragraph 7 of this Schedule shall apply as if—
- (a) the payment area had been identical with the area of the claim holding; but
 - (b) the amount of the payment had been so much of the actual amount thereof, as might reasonably be expected to have been attributed to the area of the claim holding if, under the scheme, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it between the area of the claim holding and the rest of the payment area.
- 10 If the payment area includes part of the area of the claim holding together with other land not comprised in the area of the claim holding—
- (a) paragraph 8 of this Schedule shall apply as if the part of the payment area comprised in the area of the claim holding had been the whole of the payment area ; and
 - (b) paragraph 9 of this Schedule shall apply as if the part of the area of the claim holding comprised in the payment area had been the whole of the area of the claim holding.

PART III

ADJUSTMENT IN CASES OF PARTIAL DISPOSITION OF CLAIM HOLDINGS

- 11 The provisions of this Part of this Schedule shall have effect where, by virtue of a disposition of part of the benefit of an established claim, not being a mortgage made otherwise than by way of assignment (in this Part of this Schedule referred to as " the relevant disposition"), different persons became entitled to different parts of the benefit of that established claim.
- 12 As from the date of the relevant disposition, each of those different parts shall be treated as having constituted a separate claim holding.
- 13 The area and value of any such separate claim holding at any time after the relevant disposition shall be taken to have been such as may, in the requisite manner, be or have been determined to be just and appropriate in all the circumstances.
- 14 In paragraph 13 of this Schedule the reference to determination in the requisite manner of the area and value of a claim holding is a reference to the determination thereof on the occasion of an apportionment affecting that holding which fell or

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falls to be made for any of the purposes of the Act of 1954, of Part VI of the Act of 1962 or Schedule 5 thereto, of Part VII of this Act or of this Schedule, being a determination made—

- (a) by the authority making that apportionment; or
- (b) where, under the Act of 1954, Part VI of the Act of 1962 or Part VII of this Act, that authority's findings were or are referred to the Lands Tribunal, by that Tribunal,

having regard in particular to the principles mentioned in paragraph 15 of this Schedule.

- 15 (1) The said principles are those set out in the following provisions of this paragraph.
- (2) The aggregate of the values of all claim holdings representing parts of the benefit of the same established claim must not exceed the amount of the established claim.
- (3) Subject to sub-paragraph (2) of this paragraph, where a claim holding representing part only of the benefit of an established claim was pledged to the Central Land Board, otherwise than as mentioned in paragraph 2 of this Schedule, and by virtue of Part I of this Schedule the value of that claim holding is deemed to have been reduced by reference to an amount due by way of development charge, the value of that holding at the time of the pledge is not to be taken to have been less than the amount credited for the purposes of the pledge by reference to the holding.
- (4) In the case of the claim holding representing the part of the benefit of an established claim which was the subject of the relevant disposition, if it was not a claim holding to which sub-paragraph (5) of this paragraph applies—
- (a) the area of that claim holding is to be taken to be the claim area of that established claim, less the area of any claim holding to which the said sub-paragraph (5) applies which represents part of the benefit of the same established claim ; and
 - (b) the value of the claim holding immediately after the relevant disposition is, subject to sub-paragraphs (2) and (3) of this paragraph, to be taken to have been that part of the amount of the established claim to which the holder purported to become entitled under the terms of the relevant disposition.
- (5) Where any person who was entitled to a claim holding representing part only of the benefit of an established claim—
- (a) at any time while so entitled was also entitled to the interest in land to which the established claim related in so far as that interest subsisted in part only of the claim area; and
 - (b) became entitled to both that holding and that interest in such circumstances that the authority making the apportionment in question or the Lands Tribunal, as the case may be, were or are satisfied that the holding and the interest were intended to relate to one another,

the area of that claim holding is to be taken to be that part of the claim area, and the value of the holding immediately after the relevant disposition (however that or any other disposition affecting the holding was expressed, but subject to sub-paragraphs (2) to (4) of this paragraph) is to be taken to have been an amount equal to so much of the amount of the established claim as might reasonably be expected to have been attributed to that part of the claim area if the authority determining the amount of that established claim had been required to apportion it, in accordance with the same principles as applied to its determination, between that part and the residue of the claim area.

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- 16 Paragraph 1 of this Schedule shall apply for the purposes of this Part of this Schedule as it applies for the purposes of Part I thereof.

PART IV

ADJUSTMENT IN RESPECT OF PAYMENTS UNDER PART I OF ACT OF 1954

- 17 The provisions of this Part of this Schedule shall have effect where, by virtue of Part I of the Act of 1954, a payment became or becomes payable in respect of a claim holding.
- 18 Subject to the following provisions of this Part of this Schedule, if either—
- (a) the principal amount of the payment was or is not less than the value of the claim holding ; or
 - (b) the payment (whatever its amount) became or becomes payable under Case D (that is to say, by virtue of section 8 of the Act of 1954, which related to cases where a claim holding had been disposed of for valuable consideration),
- the claim holding shall be deemed to have been extinguished ; and if the principal amount of the payment (not being a payment under Case D) was or is less than the value of the claim holding, the value of that holding shall be deemed to have been reduced by the principal amount of the payment.
- 19 Paragraph 18 of this Schedule shall apply where two or more payments under Part I of the Act of 1954 were or are payable in respect of the same claim holding, with the substitution, for references to the principal amount of the payment, of references to the aggregate of the principal amounts of the payments.
- 20 (1) Where one or more relevant acts or events have occurred in relation to a claim holding (in this paragraph referred to as " the parent holding ") and any such act or event did not extend to the whole of the area of the parent holding, then, for the purposes of the preceding provisions of this Part of this Schedule, and for the purposes of Part V of this Schedule and of Part VII of this Act—
- (a) the parent holding shall be treated as having been divided immediately before the time of completion, into as many separate claim holdings, with such areas, as may be necessary to ensure that, in the case of each holding, either any relevant act or event extending to the area of that holding extended to the whole thereof or no relevant act or event extended to the area of that holding;
 - (b) the value of each of the separate holdings respectively shall be taken to have been that fraction of the value of the parent holding which then attached to the part of the area of the parent holding constituting the area of the separate holding; and
 - (c) the portion of the amount of any payment under Part I of the Act of 1954 which, by the authority determining that amount, was or is apportioned to the area of any of the separate claim holdings shall be taken to have been a payment payable under the said Part I in respect of that claim holding.
- (2) In this paragraph "relevant act or event", in relation to a claim holding, means an act or event whereby, in accordance with the provisions of Part I of the Act of 1954, one or more payments became or become payable in respect of that claim holding.
- 21 For the purposes of this Part of this Schedule—

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- (a) a payment shall be treated as having become payable notwithstanding that the right to receive the payment was extinguished by section 14(2) of the Act of 1954 (which enabled the Central Land Board to set off payments against liabilities in respect of development charges);
 - (b) any reduction of the principal amount of a payment by virtue of that subsection shall be disregarded ; and
 - (c) where in accordance with subsection (3) of section 14 or subsection (6) of section 58 of the Act of 1954 (which provided for cases of failure to apply for a payment within the appropriate period) an amount was determined as being the principal amount of a payment to which a person would have been entitled as mentioned in those subsections respectively, that payment shall be treated as if it had become due and as if the principal amount thereof had been the amount so determined.
- 22 (1) Where in accordance with the preceding provisions of this Part of this Schedule a claim holding is deemed to have been extinguished or the value of a claim holding is deemed to to have been reduced, the extinguishment or reduction, as the case may be, shall be deemed to have had effect immediately before the time of completion.
- (2) References in this Part of this Schedule to the value of a claim holding are references to the value thereof immediately before the time of completion.

PART V

ADJUSTMENT IN RESPECT OF COMPENSATION UNDER PART V OF ACT OF 1954

- 23 Where compensation under Part V of the Act of 1954 became or becomes payable by reference to a claim holding, then (subject to. the following provisions of this Part of this Schedule) for the purposes of Part VII of this Act—
- (a) if the principal amount of the compensation was or is equal to the value of the claim holding at the time of completion (ascertained apart from this Part of this Schedule) the claim holding shall be deemed to have been extinguished immediately before that time ;
 - (b) if the principal amount of the compensation was or is less than the value of the claim holding at that time (ascertained apart from this Part of this Schedule) the value of the claim holding shall be deemed to have been reduced immediately before that time by the principal amount of the compensation.
- 24 Where compensation became or becomes payable as mentioned in paragraph 23 of this Schedule, and at any time an amount became or becomes recoverable in respect thereof under section 29 of the Act of 1954, as applied by section 46 of that Act, or under section 159 of this Act as applied by Schedule 24 to this Act to compensation under Part V of the Act of 1954, then, for the purposes of Part VII of this Act, paragraph 23. of this Schedule shall have effect as from that time as if the principal amount of that compensation had been reduced by a sum equal to seven-eighths of the amount which so became or becomes recoverable.
- 25 Where, in the case of a claim holding (in this paragraph referred to as "the parent holding"), compensation under Part V of the Act of 1954 became or becomes payable in respect of depreciation of the value of an interest in land by one or more planning decisions or orders, and any such decision or order did not extend to the

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whole of the area of the parent holding, then, both for the purposes of the preceding provisions of this Part of this Schedule and for the purposes of Part VII of this Act—

- (a) the parent holding shall be treated as having been divided immediately before the time of completion into as many separate claim holdings, with such areas, as may be necessary to ensure that, in the case of each holding, either any such decision or order extending to the area of that holding extended to the whole thereof or no such decision or order extended to the area of that holding ;
- (b) the value of each of the separate holdings respectively shall be taken to have been that fraction of the value of the parent holding which then attached to the part of the area of the parent holding constituting the area of the separate holding; and
- (c) the portion of the amount of any such compensation which, by the authority determining that amount, was or is apportioned to the area of any of the separate claim holdings shall be taken to have been compensation payable under Part V of the Act of 1954 in respect of that claim holding.

PART VI

SUPPLEMENTARY PROVISIONS

- 26 Where in accordance with any of the provisions of this Schedule a part of the benefit of an established claim constituted a separate claim holding, the interest in land to which that claim holding related—
- (a) if the established claim related to the fee simple of the claim area, shall be taken to have been the fee simple of the area of the claim holding ;
 - (b) if the established claim related to a leasehold interest, shall be taken to have been that leasehold interest in so far as it subsisted in the area of the claim holding.
- 27 Where in accordance with any of the provisions of this Schedule a claim holding (in this paragraph referred to as "the parent holding ") is to be treated as divided into two or more claim holdings, a person who was the holder of one of those holdings shall be treated as having been the holder thereof at any time when he was the holder of the parent holding.
- 28 Expressions used in this Schedule and in Part VII of this Act have the same meanings in this Schedule as in that Part of this Act.
- 29 In this Schedule " the holder ", in relation to a claim holding, means the person for the time being entitled to the holding, or, in the case of a holding subject to a mortgage made otherwise than by way of assignment, means the person who would for the time being have been entitled to the holding if it had not been mortgaged, and " the time of completion " means the time when, in accordance with section 138 of this Act, the adjustment of claim holdings is deemed to have been completed.

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SCHEDULE 16

Section 141.

CALCULATION OF VALUE OF PREVIOUS DEVELOPMENT OF LAND

- 1 Where for the purposes of section 141 of this Act the value of any development initiated before a time referred to in that section has to be ascertained with reference to that time, the value of the, development shall be calculated in accordance with the provisions of this Schedule.
- 2 Subject to the following provisions of this Schedule, the value shall be calculated by reference to prices current at the time in question—
- (a) as if the development had not been initiated, but the land had remained in the state in which it was immediately before the development was initiated ; and
 - (b) on the assumption that (apart from the provisions of Part III of this Act, the provisions of Part III of the Act of 1962 or the provisions of the Act of 1947, as the case may be) the development could at that time lawfully be carried out,
- and shall be taken to be the difference between the value which in those circumstances the land would have had at that time if planning permission for that development had been granted unconditionally immediately before that time and the value which in those circumstances the land would have had at that time if planning permission for that development had been applied for and refused immediately before that time, and it could be assumed that planning permission for that development, and any other new development of that land, would be refused on any subsequent application.
- 3 If the development involved the clearing of any land, the reference in paragraph (2) (a) of this Schedule to the state of the land immediately before the development shall be construed as a reference to the state of the land immediately after the clearing thereof but before the carrying out of any other operations.
- 4 (1) If the development was initiated in pursuance of planning permission granted subject to conditions, paragraph 2 of this Schedule shall apply as if the reference to the granting of permission unconditionally were a reference to the granting of permission subject to the like conditions.
- (2) If the permission referred to in sub-paragraph (1) of this paragraph was granted subject to conditions which consisted of, or included, a requirement expressed by reference to a specified period, the reference in that sub-paragraph to the like conditions shall be construed, in relation to the condition imposing that requirement, as a reference to a condition imposing the like requirement in respect of a period of like duration beginning at the time in question.
- 5 In the application of the preceding provisions of this Schedule to development initiated, but not completed, before the time in question, references to permission for that development shall be construed as references to permission for so much of that development as had been carried out before that time.

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SCHEDULE 17

Section 142.

APPORTIONMENT OF UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE

Determination of relevant area

- 1 (1) Where, in the case of a compulsory acquisition to which section 142 of this Act applies, any area of the relevant land which, immediately before the relevant date, has an unexpended balance of established development value does not satisfy the conditions set out in sub-paragraph (2) of this paragraph, that area shall be treated as divided into as many separate areas as may be requisite to ensure that each of those separate areas satisfies those conditions.
- (2) The conditions referred to in sub-paragraph (1) of this paragraph are—
- (a) that all the interests (other than excepted interests) subsisting in the area in question subsist in the whole of that area ; and
 - (b) that any rentcharge charged on that area is charged on the whole of it.
- (3) Any area of the relevant land which has an unexpended balance of established development value and which complies with the conditions set out in sub-paragraph (2) of this paragraph is in this Schedule referred to, in relation to the interests subsisting therein, as " the relevant area", and the subsequent provisions of this Schedule shall have effect separately in relation to each relevant area.

Preliminary calculations

- 2 There shall be calculated the amount referable to the relevant area of the rent which might reasonably be expected to be reserved if the relevant land were to be let on terms prohibiting the carrying out of any new development but permitting the carrying out of any other development; and the amount so calculated is in this Schedule referred to as " the existing use rent
- 3 (1) If, in the case of an interest in fee simple which is subject to a rentcharge, or in the case of a tenancy, so much of the rent reserved under the rentcharge or tenancy as is referable to the relevant area exceeds the existing use rent, there shall be calculated the capital value of the right to receive, for the period of the remainder of the term of the rentcharge or tenancy, an annual payment equal to the excess ; and any amount so calculated in the case of any interest is in this Schedule referred to as " the rental liability " of that interest.
- (2) Where the interest in fee simple is subject to more than one rentcharge, then, for the purposes of sub-paragraph (1) of this paragraph, in relation to any period included in the term of two or more of those rentcharges, those two or more rentcharges shall be treated as a single rentcharge charged on the relevant area for the duration of that period, with a rent reserved thereunder of an amount equal to the aggregate of so much of their respective rents as is referable to the relevant area.
- 4 In the case of any interest in reversion—
- (a) there shall be calculated the capital value, as at the time immediately before the relevant date, of the right to receive a sum equal to the unexpended balance of established development value of the relevant area at that time, but payable at the end of the tenancy upon the termination of which the interest in question is immediately expectant; and the amount so calculated

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in the case of any interest is in this Schedule referred to as " the reversionary development value " of that interest;

- (b) if so much of the rent reserved under the said tenancy as is referable to the relevant area exceeds the existing use rent, there shall also be calculated the capital value as at the said time of the right to receive, for the period of the remainder of the term of that tenancy, an annual payment equal to the excess ; and any amount so determined in the case of any interest is in this Schedule referred to as " the rental increment" of that interest.

Apportionment of unexpended balance between interests

5 Where two or more interests (other than excepted interests) subsist in the relevant area, the portion of the unexpended balance of established development value of the relevant area attributable to each of those interests respectively shall be taken to be the following, that is to say—

- (a) in the case of the interest in fee simple, an amount equal to the reversionary development value of that interest, less the amount (if any) by which any rental liability of that interest exceeds any rental increment thereof ;
- (b) in the case of a tenancy in reversion, an amount equal to the reversionary development value of that tenancy, less the aggregate of—
- (i) the reversionary development value of the interest in reversion immediately expectant upon the termination of that tenancy ; and
- (ii) the amount (if any) by which any rental liability of that tenancy exceeds any rental increment thereof;
- (c) in the case of a tenancy other than a tenancy in reversion, the remainder (if any) of the said balance after the deduction of the aggregate of—
- (i) the reversionary development value of the interest in reversion immediately expectant upon the termination of that tenancy ; and
- (ii) any rental liability of that tenancy.

Application of Schedule to past acquisitions

6 In relation to any compulsory acquisition to which section 142 of this Act applies, where the relevant date was a date before the commencement of this Act, the preceding provisions of this Schedule shall have effect with the necessary modifications.

Interpretation

7 In this Schedule—

- (a) " the relevant land ", in relation to a compulsory acquisition to which section 142 of this Act applies, means the land in which the interest acquired subsisted or subsists ;
- (b) " tenancy " does not include an excepted interest;
- (c) any reference to an interest or tenancy in reversion does not include an interest or tenancy in reversion immediately expectant upon the termination of an excepted interest;
- (d) " the relevant date" and " excepted interest" have the same meanings as in section 142 of this Act; and
- (e) other expressions have the same meanings as in Part VII of this Act.

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SCHEDULE 18

Sections 168, 169, 180 and 278.

CONDITION TREATED AS APPLICABLE TO REBUILDING AND ALTERATIONS

- 1 Where the building to be rebuilt or altered is the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed by more than ten per cent. the amount of gross floor space which was last used for that purpose in the original building.
- 2 Where the building to be rebuilt or altered is not the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed the amount of gross floor space which was last used for that purpose in the building before the rebuilding or alteration.
- 3 In determining under this Schedule the purpose for which floor space was last used in any building, no account shall be taken of any use in respect of which an effective enforcement notice has been or could be served or, in the case of a use which has been discontinued, could have been served immediately before the discontinuance.
- 4 For the purposes of this Schedule gross floor space shall be ascertained by external measurement; and where different parts of a building are used for different purposes, floor space common to those purposes shall be apportioned rateably.
- 5 In relation to a building erected after the appointed day, being a building resulting from the carrying out of any such works as are described in paragraph 1 of Schedule 8 to this Act, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

SCHEDULE 19

Section 190.

PROCEEDINGS ON LISTED BUILDING PURCHASE NOTICE

Action by council on whom listed building purchase notice is served

- 1 (1) The council on whom a listed building purchase notice is served, shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—
 - (a) that the council are willing to comply with the purchase notice ; or
 - (b) that another local authority or statutory undertakers specified in the notice under this sub-paragraph have agreed to comply with it in their place ; or
 - (c) that for reasons specified in the notice under this sub-paragraph, the council are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place and that they have transmitted a copy of the purchase notice to the Secretary of State, on a date specified in the notice under this sub-paragraph, together with a statement of the reasons so specified.
- (2) Where the council on whom a listed building purchase notice is served by an owner have served on him a notice in accordance with sub-paragraph (1)(a) or (b) of this paragraph the council, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of section 114

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of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under sub-paragraph (1) of this paragraph.

- (3) Where the council on whom a listed building purchase notice is served by an owner propose to serve on him a notice in accordance with sub-paragraph (1)(c) of this paragraph they shall transmit a copy of the purchase notice to the Secretary of State together with a statement of their reasons; and section 182 of this Act shall then apply in relation to the purchase notice as it applies in relation to a purchase notice under section 180 of this Act with the substitution for references therein to the Secretary of State taking action under section 183 of this Act of references to his taking action under paragraph 2 of this Schedule.

Action by Secretary of State in relation to listed building purchase notice

- 2 (1) Subject to the following provisions of this paragraph, if the Secretary of State is satisfied that the conditions specified in section 190(1)(a) to (c) of this Act are fulfilled in relation to a listed building purchase notice, he shall confirm the notice:

Provided that, if he is satisfied that the said conditions are fulfilled only in respect of part of the land, he shall confirm the notice only in respect of that part and the notice shall have effect accordingly.

- (2) The Secretary of State shall not confirm the purchase notice unless he is satisfied that the land comprises such land contiguous or adjacent to the building as is in his opinion required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.
- (3) If it appears to the Secretary of State to be expedient to do so in the case of a listed building purchase notice served on account of listed building consent being refused or granted subject to conditions, he may, in lieu of confirming the purchase notice, grant listed building consent for the works in respect of which the application was made or, where such consent for those works was granted subject to conditions, revoke or amend those conditions so far as it 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 those works.
- (4) If it appears to the Secretary of State to be expedient to do so, in the case of a listed building purchase notice served on account of listed building consent being revoked or modified by an order under Part II of Schedule 11 to this Act, he may, in lieu of confirming the notice, cancel the order revoking the consent or, where the order modified the consent 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 works in respect of which the consent was granted.
- (5) If it appears to the Secretary of State that the land, or any part of it, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other works for which listed building consent ought to be granted, he may in lieu of confirming the listed building purchase 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 listed building consent for those works shall be granted in the event of an application being made in that behalf.
- (6) If it appears to the Secretary of State that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the

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carrying out of any development for which planning permission ought to be granted, he may, in lieu of confirming the listed building purchase 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 planning permission for that development shall be granted in the event of an application being made in that behalf.

- (7) If it appears to the Secretary of State, having regard to the probable ultimate use of the building or the site thereof, that it is expedient to do so, he may, if he confirms the notice, modify it either in relation to the whole or in relation to any part of the land, by substituting another local authority or statutory undertakers for the council on whom the notice was served.
- (8) In section 182 of this Act as applied by paragraph 1(3) of this Schedule, any reference to the taking of action by the Secretary of State under this paragraph is a reference to the taking by him of any such action as is mentioned in sub-paragraphs (1) or (3) to (7) of this paragraph, or to the taking by him of a decision not to confirm the purchase notice on the grounds that any of the conditions referred to in sub-paragraph (1) of this paragraph are not fulfilled.

Effect of Secretary of State's action in relation to listed building purchase notice

- 3 (1) Where the Secretary of State confirms a listed building purchase notice, the council on whom the notice was served (or, if under paragraph 2(7) of this Schedule the Secretary of State modified the notice by substituting another local authority or statutory undertakers for that council, that other local authority or those statutory undertakers) shall be deemed to be authorised to acquire the relevant interest compulsorily in accordance with the provisions of section 114 of this Act and to have served a notice to treat in respect thereof on such date as the Secretary of State may direct.
- (2) If, before the end of the relevant period, the Secretary of State has neither confirmed the purchase notice nor taken any such action in respect thereof as is mentioned in sub-paragraphs (3) to (6) of paragraph 2 of this Schedule, and has not 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 end of that period and the council on whom the notice was served shall be deemed to have been authorised to acquire the relevant interest compulsorily in accordance with the provisions of section 114 of this Act and to have served a notice to treat in respect thereof at the end of that period.
- (3) In this paragraph—
 - (a) "the relevant interest" means the owner's interest in the land or, if the purchase notice is confirmed by the Secretary of State in respect of only part of the land, the owner's interest in that part;
 - (b) " the relevant period " is whichever of the following periods first expires, that is to say—
 - (i) the period of nine months beginning with the date of the service of the purchase notice ; and
 - (ii) the period of six months beginning with the date on which a copy of the purchase notice was transmitted to the Secretary of State.
- (4) Where the Secretary of State has notified the owner by whom a listed building purchase notice has been served of a decision on his part to confirm, or not to confirm, the notice (including any decision to confirm the notice only in respect of part of the land, or to give any direction as to the granting of listed building consent), and

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that decision of the Secretary of State is quashed under the provisions of Part XII of this Act, the purchase notice shall be treated as cancelled, but the owner may serve a further listed building purchase notice in its place.

- (5) For the purposes of any regulations made under this Act as to the time within which a listed building purchase notice may be served, the service of a listed building purchase notice under sub-paragraph (4) of this paragraph shall not be treated as out of time if the notice is served within the period which would be applicable in accordance with those regulations if the decision to refuse listed building consent or to grant it subject to conditions (being the decision in consequence of which the notice is served) had been made on the date on which the decision of the Secretary of State was quashed as mentioned in sub-paragraph (4) of this paragraph.

Special provision as to compensation where listed building purchase notice served

- 4 Where in consequence of listed building consent being revoked or modified by an order under Part II of Schedule 11 to this Act, compensation is payable by virtue of section 172 of this Act in respect of expenditure incurred in carrying out any works to the building in respect of which the consent was granted, then if a listed building purchase notice is served in respect of an interest in the land, any compensation payable in respect of the acquisition of that interest in pursuance of the notice shall be reduced by an amount equal to the value of the works in respect of which compensation is payable by virtue of that section.

SCHEDULE 20

Section 217.

PROCEDURE IN CONNECTION WITH ORDERS RELATING TO FOOTPATHS AND BRIDLEWAYS

PART I

CONFIRMATION OF ORDERS

- 1 (1) Before an order under section 210 or 214(1)(b) of this Act is submitted to the Secretary of State for confirmation or confirmed as an unopposed order, the authority by whom the order was made shall give notice in the prescribed form—
- (a) stating the general effect of the order and that it has been made and is about to be submitted for confirmation or to be confirmed as an unopposed order ;
 - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours; and
 - (c) specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.
- (2) Subject to sub-paragraph (4) of this paragraph, the notice to be given under sub-paragraph (1) of this paragraph shall be given—
- (a) by publication in the London Gazette and in at least one local newspaper circulating in the area in which the land to which the order relates is situated ; and
 - (b) by serving a like notice on—

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- (i) every owner, occupier and lessee (except tenants for a month or a period less than a month and statutory tenants within the meaning of the Rent Act 1968) of any of that land ;
 - (ii) every council, the council of every rural parish and the parish meeting of every rural parish not having a separate parish council, being a council or parish whose area includes any of that land ; and
 - (iii) any statutory undertakers to whom there belongs, or by whom there is used, for the purposes of their undertaking, any apparatus under, in, on, over, along or across that land ; and
 - (c) by causing a copy of the notice to be displayed in a prominent position at the ends of so much of any footpath or bridleway as is to be stopped up, diverted or extinguished by virtue of the order.
 - (3) In sub-paragraph (2) of this paragraph "council" means a county council, a county borough council, a county district council, the Greater London Council or a London borough council.
 - (4) Except in the case of an owner, occupier or lessee being a local authority or statutory undertakers, the Secretary of State may in any particular case direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i) of this paragraph ; but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to " the owners and any occupiers" of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.
- 2 If no representations or objections are duly made, or if any so made are withdrawn, the authority by whom the order was made may, instead of submitting the order to the Secretary of State, themselves confirm the order (but without any modification).
- 3 (1) If any representation or objection duly made is not withdrawn, the Secretary of State shall, before confirming the order, if the objection is made by a local authority cause a local inquiry to be held, and in any other case either—
- (a) cause a local inquiry to be held ; or
 - (b) afford to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose,
- and, after considering the report of the person appointed to hold the inquiry or to hear representations or objections, may confirm the order, with or without modifications:
- Provided that in the case of an order under section 210 of this Act, if objection is made by statutory undertakers on the ground that the order provides for the creation of a public right of way over land covered by works used for the purpose of their undertaking, or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- (2) Notwithstanding anything in the preceding provisions of this paragraph, the Secretary of State shall not confirm an order so as to affect land not affected by the order as submitted to him, except after—
- (a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made;

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- (b) holding a local inquiry or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose ; and
- (c) considering the report of the person appointed to hold the inquiry or to hear representations or objections as the case may be;

and, in the case of an order under section 210 of this Act, if objection is made by statutory undertakers on the ground that the order as modified would provide for the creation of a public right of way over land covered by works used for the purposes of their undertaking, or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

- 4 (1) The Secretary of State shall not confirm an order under section 210 of this Act which extinguishes a right of way over land under, in, on, over, along or across which there is any apparatus belonging to or used by statutory undertakers for the purposes of their undertaking, unless the undertakers have consented to the confirmation of the order ; and any such consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require.
- (2) The consent of statutory undertakers to any such order shall not be unreasonably withheld ; and any question arising under this paragraph whether the withholding of consent is unreasonable, or whether any requirement is reasonable, shall be determined by whichever Minister is the appropriate Minister in relation to the statutory undertakers concerned.
- 5 Regulations under this Act may, subject to this Part of this Schedule, make such provision as the Secretary of State thinks expedient as to the procedure on the making, submission and confirmation of orders under sections 210 and 214(1)(b) of this Act.

PART II

PUBLICITY FOR ORDERS AFTER CONFIRMATION

- 6 As soon as may be after an order under section 210 or 214(1)(b) of this Act has been confirmed by the Secretary of State or confirmed as an unopposed order, the authority by whom the order was made shall publish, in the manner required by paragraph 1(2) of this Schedule, a notice in the prescribed form, describing the general effect of the order, stating that it has been confirmed, and naming a place where a copy thereof as confirmed may be inspected free of charge at all reasonable hours, and shall—
 - (a) serve a like notice and a copy of the order as confirmed on any persons on whom notices were required to be served under the said paragraph 1(2) or under paragraph 1(4); and
 - (b) cause a like notice to be displayed in the like manner as the notice required to be displayed under the said paragraph 1(2):

Provided that no such notice or copy need be served on a person unless he has sent to the authority a request in that behalf, specifying an address for service.

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SCHEDULE 21

Sections 263, 264, 269, 270, 271, 273
and 274 and paragraphs 83 and 84 of
Schedule 24.

PROVISIONS OF THIS ACT REFERRED TO IN SECTIONS 263, 264, 269,
270, 271, 273 AND 274 AND PARAGRAPHS 83 AND 84 OF SCHEDULE 24

PART I

Sections 1 to 3.

Section 22.

Section 23 except subsection (7).

Section 24 except subsection (6).

Section 25.

Section 29(1).

Section 30.

Section 31(1).

Sections 32 and 33.

Section 34(1) and (3).

Section 35 with the omission in subsection (4) of the reference to sections 26 and 27.

Section 36(1) to (6) with the omission in subsection (5) of the reference to section 27.

Section 37.

Section 40.

Section 45.

Sections 50 to 53.

Section 54 except subsections (8), (10) and (11).

Section 60.

Sections 63 to 68.

Section 89.

Sections 91 to 93.

Section 102.

Sections 104 to 111.

Sections 118 to 125.

Sections 127 to 133.

Section 164.

Section 165 with the omission in subsection (2) of the references to sections 166 to 168.

Section 169 except subsection (5).

Section 170.

Section 174.

Section 176.

Sections 178 and 179.

Section 180(1) to (4).

Sections 181 to 183.

Sections 186 to 189.

Section 191(1).

Section 209.

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Section 214 except subsection (1)(b).
Section 215.
Sections 218 and 219.
Section 220.
Section 222.
Sections 224 to 231.
Sections 233 to 236.
Section 237 except subsection (3).
Section 238 except subsections (4) and (6X6).
Sections 239 to 241.
Section 242(1) except paragraphs (d) and (e).
Section 243 except subsection (5).
Section 244.
Section 246.
Section 249 with the omission in subsection (2) of the references to section 245.
Section 250.
Section 251(1).
Section 252.
Sections 254 and 255.
Section 263(1).
Sections 264 and 265.
Section 266(1) (the reference, in paragraph (b), to Part III being construed as not referring to sections 26 and 27 and the reference, in that paragraph, to Part IV being construed as not referring to sections 73 to 86) and section 266(2) to (5) and (7).
Section 267.
Section 270.
Section 272.
Section 274 except subsections (2)(a) and (4).
Section 275(2).
Section 276.
Section 280 except subsections (4) and (5).
Section 281.
Section 284.
Section 288.
Schedules 1 and 2.
Schedule 8.
Schedule 22.
Schedule 24, paragraphs 33 to 39, 46,48 and 87 to 92.

Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified above.

PART II

Section 4.
Sections 6 to 21.

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Section 26(2) to (6) except subsection (2)(a) and the reference to it in subsection (6), and subsection (8).

Section 28(2)(b) and (3).

Section 29(4).

Section 31(2) and (3).

Section 34(2).

Section 36(7) and (8).

Sections 41 to 44.

Sections 46 to 49.

Section 54(10) and (11).

Sections 55 and 56.

Section 58.

Sections 79 to 81.

Sections 87 and 88.

Section 90.

Sections 94 to 100.

Section 103(4).

Sections 112 to 117.

Sections 171 to 173.

Section 177.

Section 180(5) and (6).

Section 184.

Section 190.

Section 197.

Sections 201 and 202.

Sections 210 to 213.

Section 214(1)(b).

Sections 216 and 217.

Section 221.

Section 223.

Section 232.

Section 237(3).

Section 238(4) and (6)(b).

Section 253.

Section 256.

Section 271.

Section 285.

Schedules 4, 7, 9, 10, 11, 14, 19 and 20 and paragraphs 18 to 21, 24, 31, 40, 41, 43, 57, 58 and 77 of Schedule 24.

PART III

Sections 38 and 39.

Section 72.

Sections 134 to 163.

Sections 166 to 168.

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Section 169(5).
Section 191(2).
Section 251(2) to (5).
Sections 257 to 259.
Section 261(2) to (4).
Section 268.
Section 274(4).
Section 275(1).
Section 279.
Section 280(5).
Schedules 15 and 16.

Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified above

PART IV

Section 28.
Section 54(8).
Section 57.
Section 59.
Sections 61 and 62.
Section 101.
Section 102(1).
Section 103.
Section 126.
Section 277.
Section 280(4).

PART V

Sections 22 to 25.
Section 29(1), (5) and (6).
Section 30.
Section 31(1).
Sections 32 and 33.
Section 34 except subsection (2). Sections 35 to 37.
Section 40.
Section 45.
Sections 50 to 53.
Section 54 except subsections (2) and (9) to (11)
Section 60.
Sections 63 to 68.
Section 72.
Sections 87 to 95.
Section 102.
Sections 104 to 111.

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Section 177.

PART VI

Section 28(2)(b) and (3).
Section 29(4).
Section 31(2) and (3).
Section 54(2) and (9) to (11).
Section 55.
Section 56.
Section 58.
Sections 96 to 100.
Sections 114 to 117.
Sections 171 to 173.
Section 180(5) and (6).
Section 190.
Schedules 11 and 19.

PART VII

Section 24(6).
Section 26 except subsections (2)(b) and (3) to (9).
Section 27.
Section 29(2) and (3).
Section 142 except subsections (2)(b) and (6)(b).
Section 143 (construed as if in section 142 the said subsections were omitted).
Sections 192 to 196.
Sections 198 to 200.
Sections 203 to 207.
Section 242 except subsection (1)(a) to (c).
Section 243(5).
Section 245.
Sections 247 and 248
Section 249(2).
Section 266(1) (construed as if the reference to Part III were a reference only to sections 26 and 27) and (6).
Section 274(2) except paragraph (b).
Schedule 17.

Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified above.

SCHEDULE 22

Section 287(6).

ENACTMENTS EXEMPTED FROM SECTION 287(6) OF THIS ACT

1 Section 107 of the Public Health Act 1936.

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- 2 The following provisions of the Highways Act 1959, that is to say—
section 72(1), (2), (5) and (8) to (10).
section 73 except subsection (5).
sections 159, 163 and 166.
section 170(2) and (4).
section 217.
section 222(7).
section 266(5) and (7).
Schedule 9.
- 3 The following further provisions of the Highways Act 1959, that is to say—
(a) sections 158 and 170(1) so far as applicable for the purposes of section 159 of that Act;
(b) section 222(11) so far as applicable for the purposes of section 217 of that Act;
(c) in section 266—
(i) subsections (1) to (3) so far as applicable for the purposes of section 72 of that Act;
(ii) subsections (1), (3) and (6) so far as applicable for the purposes of section 73 of that Act;
(iii) subsections (1) and (3) so far as applicable for the purposes of section 163 and 170(2) of that Act;
(d) section 270 so far as applicable for the purposes of section 73 of that Act.
- 4 Section 243 of the Highways Act 1959 so far as the purposes in question are the purposes of the exercise—
(a) by a county council in relation to county roads maintained by that council;
or
(b) by the Greater London Council in relation to any road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road,
of their powers under section 72(1), (2), (5) and (8) to (10) or section 217 of the said Act of 1959.
- 5 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 byelaw, order or regulation not requiring confirmation by Parliament.
- 6 Any enactment which has been previously excluded or modified by a development order, and any enactment having substantially the same effect as any such enactment.

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

SCHEDULE 23

Section 291.

CONSEQUENTIAL AMENDMENTS

PART I

The Land Compensation Act 1961 (c. 33)

In the Land Compensation Act 1961 any reference to an area defined in the current development plan as an area of comprehensive development shall be construed as a reference to an action area for which a local plan is in force.

The London Government Act 1963 (c. 33)

In section 21 of the London Government Act 1963 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.

PART II

The Finance Act 1931 (c. 28)

In section 28(6) of the Finance Act 1931 (inserted by the Land Commission Act 1967) for the words " the Town and Country Planning Act 1962 " there shall be substituted the words "the Town and Country Planning Act 1971 ".

In Schedule 2 to the said Act of 1931, in paragraph (viii) (inserted by the Land Commission Act 1967) for the words " section 19(4) of the Town and Country Planning Act 1962 " there shall be substituted the words " section 34(1) of the Town and Country Planning Act 1971 ".

The Building Restrictions (War-Time Contraventions) Act 1946 (c. 35)

In section 7(1) and (5) of the Building Restrictions (War-Time Contraventions) Act 1946 (as amended by the Act of 1962) for the words " paragraph 12 of the Thirteenth Schedule to the Town and Country Planning Act 1962" there shall be substituted the words " paragraph 34 of Schedule 24 to the Town and Country Planning Act 1971 ".

The Civil Aviation Act 1949 (c. 67)

In section 30 of the Civil Aviation Act 1949 (as amended by the Act of 1962)—

- (a) in subsection (1) for the words " subsections (2) to (5) of section one hundred and seventy-one of the Town and Country Planning Act 1962 " there shall be substituted the words " section 238(2), (3), (5) and (6) of the Town and Country Planning Act 1971 ";
- (b) in subsection (2) for the words " Subsections (2) to (5) of the said section one hundred and seventy-one " subsection (2) of the last preceding section" and " subsection (5) of that section" there shall be substituted respectively the words " Subsections (2), (3), (5) and (6) of the said section 238 " , " section 237(2) of this Act " and " subsection (6) of that section ".

In Schedule 4 to the said Act of 1949 (as amended by the Act of 1962)—

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- (a) in paragraph 4 for the words "section one hundred and sixty-nine of the Town and Country Planning Act 1962" and " section one hundred and sixty-six of that Act" there shall be substituted respectively the words " section 236 of the Town and Country Planning Act 1971 " and "section 233 of that Act";
- (b) in paragraph 8 for the words " section one hundred and sixty-nine of the Town and Country Planning Act 1962" and " section one hundred and sixty-eight of that Act" there shall be substituted respectively the words " section 236 of the Town and Country Planning Act 1971 " and " section 235 of that Act "

The Town Development Act 1952 (c. 54)

In section 6 of the Town Development Act 1952 (as amended by the Act of 1962)—

- (a) in subsection (1) for the words "the Town and Country Planning Act 1962 " and " or that Act" there shall be substituted respectively the words " the Town and Country Planning Act 1971 " and " the Town and Country Planning Act 1962 or the Town and Country Planning Act 1971" ;
- (b) in subsection (5) for the words "Part V of the said Act of 1962" there shall be substituted the words " Part VI of the said Act of 1971 ";
- (c) in subsection (6) for the words " section sixty-eight of the Town and Country Planning Act 1962 " there shall be substituted the words " section 112 of the Town and Country Planning Act 1971 ", for the words " section sixty-eight of the said Act of 1962" there shall be substituted the words " section 112 of the said Act of 1971 ", for the words " subsection (1) of section seventy-one, subsection (1) of section seventy-four, subsection (2) of section eighty-six and subsection (1) of section eighty-seven of that Act" there shall be substituted the words " section 119(1), section 132(2) and section 133(1) of that Act ".

The Highways Act 1959 (c. 25)

In section 19(1) of the Highways Act 1959 (as amended by the Act of 1962) for the words "section eight of the Town and Country Planning Act 1962" there shall be substituted the words " paragraph 5 of Schedule 5 to the Town and Country Planning Act 1971 ".

In section 38(2)(e) of the said Act of 1959 (as amended by the Act of 1968) for the words "section 153 of the Town and Country Planning Act 1962" and "section 94 of the Town and Country Planning Act 1968 " there shall be substituted respectively the words " section 209 of the Town and Country- Planning Act 1971 " and " section 210 of that Act ".

The Town and Country Planning Act 1959 (c. 53)

In section 26(5)(c) (as amended by the Act of 1962) for the words " section seventy-eight of the Town and Country Planning Act 1962" there shall be substituted the words " section 123 of the Town and Country Planning Act 1971 ".

The Local Employment Act 1960 (c. 18)

For section 21 of the Local Employment Act 1960 in its application to England and Wales there shall be substituted:—

- “**21** In this Act " industrial building " has the meaning assigned to it by section 66 of the Town and Country Planning Act 1971.”

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

The Public Health Act 1961 (c. 64)

In Schedule 4 to the Public Health Act 1961 (as amended by the Act of 1968) for the words "section 32 of the Town and Country Planning Act 1962" there shall be substituted the words "section 54(1) of the Town and Country Planning Act 1971".

The London Government Act 1963 (c. 33)

In section 21(4)(a)(i) of the London Government Act 1963 for the words "the Town and Country Planning Act 1962" there shall be substituted the words "the Town and Country Planning Act 1971".

In section 85 of the said Act of 1963—

- (a) in subsection (3) for the words "section 24(7) of this Act" and "the said section 24(7)" there shall be substituted respectively the words "paragraph 6 of Schedule 3 to the Town and Country Planning Act 1971" and "the said paragraph 6";
- (b) in subsection (4) the words "(including any agreement under section 24(7))" shall be omitted, and after the words "made under this Act" there shall be inserted the words "or of any agreement under paragraph 6 of Schedule 3 to the Town and Country Planning Act 1971".

The Water Resources Act 1963 (c. 38)

In section 71(4) of the Water Resources Act 1963 for the words "section 41 of the Town and Country Planning Act 1962" there shall be substituted the words "section 40 of the Town and Country Planning Act 1971".

In section 123(5) of the said Act of 1963 for the words "section 199 of the Town and Country Planning Act 1962; and the provisions of subsection (6) of that section" there shall be substituted the words "section 266 of the Town and Country Planning Act 1971; and the provisions of subsection (7) of that section".

The Harbours Act 1964 (c. 40)

In section 52(2) of the Harbours Act 1964 for the words "section 199 of the Town and Country Planning Act 1962; and the provisions of subsection (6) of that section" there shall be substituted the words "section 266 of the Town and Country Planning Act 1971; and the provisions of subsection (7) of that section".

The Airports Authority Act 1965 (c. 16)

In section 17(6) and (7)(d) of the Airports Authority Act 1965 for the words "section 82 of the Town and Country Planning Act 1962" and "Part V of that Act" there shall be substituted respectively the words "section 128 of the Town and Country Planning Act 1971" and "Part VI of that Act".

In section 18 of the said Act of 1965 (as amended by the Civil Aviation Act 1971) for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—

"sections 118 and 119 of the Act of 1962"	"sections 164 and 165 of the Act of 1971"
"section 123 of the Act of 1962"	"section 169 of the Act of 1971"

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"section 170(1) of the Act of 1962"	"section 237(1) of the Act of 1971"
"section 134(2) of the Act of 1962"	"section 187(2) of the Act of 1971 "
" section 129 of the Act of 1962 "	"section 180 of the Act of 1971 "
"the said section 118 "	" the said section 164 " .
"section 27 of the Act of 1962" (in both places)	" section 45 of the Act of 1971"
" section 130(2) or 133(1) of the Act of 1962 "	" section 181(2) or 186(1) of the Act of 1971 "
"section 122 of the Act of 1962 "	"section 168 of the Act of 1971 "
"Part III of the Act of 1962 "	" Part III of the Act of 1971 "

and in section 18(5) of the said Act of 1965 for the words "'the Act of 1962' means the Town and Country Planning Act 1962" there shall be substituted the words "' the Act of 1971' means the Town and Country Planning Act 1971 " .

In section 19(1) of the said Act of 1965 for the words "section 221(1) of the Town and Country Planning Act 1962 " there shall be substituted the words " section 290(1) of the Town and Country Planning Act 1971 " .

The Gas Act 1965 (c. 36)

In section 4(6) of the Gas Act 1965 for the words "the Town and Country Planning Act 1962" and "section 41 of that Act " there shall be substituted respectively the words " the Town and Country Planning Act 1971 " and " section 40 of that Act " .

In section 28(1) of the said Act of 1965—

- (a) in the definition of " local planning authority " for the words " section 2 of the Town and Country Planning Act 1962 " there shall be substituted the words " section 1 of the Town and Country Planning Act 1971 " ;
- (b) in the definition of " planning permission " for the words " Part III of the Town and Country Planning Act 1962 " there shall be substituted the words " Part III of the Town and Country Planning Act 1971 " .

In Schedule 3 to the said Act of 1965—

- (a) in paragraph 3 for the words " section 100 of the Town and Country Planning Act 1962" and "Part VI of that Act, together with sections 25 and 26 of that Act" there shall be substituted respectively the words " section 146 of the Town and Country Planning Act 1971 " and " Part VII of that Act, together with sections 38 and 39 of that Act" .
- (b) in paragraph 7(2) for the words "the Town and Country Planning Act 1962 " there shall be substituted the words " the Town and Country Planning Act 1971 " .
- (c) in paragraph 9(a) for the words "section 100 of the Town and Country Planning Act 1962", "Part VI of the said Act of 1962 " and " sections 25 and 26 of the said Act of 1962" there shall be substituted respectively the words " section 146 of the Town and Country Planning Act 1971 " , " Part VII of the said Act of 1971 " and " sections 38 and 39 of the said Act of 1971" .

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The Compulsory Purchase Act 1965 (c. 56)

In section 1(4) of the Compulsory Purchase Act 1965 for the words " Part V of the Town and Country Planning Act 1962 " and " section 86(6) of that Act" there shall be substituted respectively the words " Part VI of the Town and Country Planning Act 1971 " and " section 132(4) of that Act ".

In section 10(3) of the said Act of 1965 for the words "Part V of the Town and Country Planning Act 1962" and "section 86(6)(b) of that Act" there shall be substituted respectively the words " Part VI of the Town and Country Planning Act 1971 " and " section 132(4)(b) of that Act".

The New Towns Act 1965 (c. 59)

In subsection (2) of section 6 of the New Towns Act 1965 for the words " section 14 of the Town and Country Planning Act 1962" there shall be substituted the words " section 24 of the Town and Country Planning Act 1971 "; and in subsection (3) of that section for the words "section 32 of the Town and Country Planning Act 1962 " there shall be substituted the words " section 54(1) of the Town and Country Planning Act 1971 ".

In section 54(1) of the said Act of 1965—

- (a) in the definition of "local planning authority", for the words " the Town and Country Planning Act 1962 " there shall be substituted the words " the Town and Country Planning Act 1971 ";
- (b) in the definition of " planning permission " for the words "Part III of the Town and Country Planning Act 1962" there shall be substituted the words " Part III of the Town and Country Planning Act 1971 " .

In paragraph 3(3)(a) of Schedule 10 to the said Act of 1965 for the words "section 14 of the Town and Country Planning Act 1962" there shall be substituted the words " section 24 of the Town and Country Planning Act 1971 ".

The Building Control Act 1966 (c. 27)

In section 6(1)(a) of the Building Control Act 1966 after the words "Part I of the Control of Office and Industrial Development Act 1965 " there shall be inserted the words " or section 74 of the Town and Country Planning Act 1971 ".

The Local Government Act 1966 (c. 42)

In section 8(5) of the Local Government Act 1966 for the words "the Town and Country Planning Act 1962" there shall be substituted the words " the Town and Country Planning Act 1971 ".

In section 9(4) of the said Act of 1966 for the words "the Town and Country Planning Act 1962" there shall be substituted the words " the Town and Country Planning Act 1971 ".

In section 37 of the said Act of 1966 for the words "the Town and Country Planning Act 1962" there shall be substituted the words " the Town and Country Planning Act 1971 ".

The Land Commission Act 1967 (c. 1)

In section 14 of the Land Commission Act 1967 for the words set out in the first column below (in each place where they occur in that section) there shall be substituted the words set out opposite to them in the second column below:—

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"the Act of 1962"	"the Act of 1971"
" section 81"	"section 127"
"sections 164 and 165 "	" sections 230 and 231"
" sections 170(2) and 171 "	" sections 237(2) and 238"
" section 68 "	"section 112"
"subsection (1) of section 164"	" section 230(1)"
" section 164 or 165 "	" section 230 or 231 "
" section 204 "	" section 273 "

In section 58(3) of the said Act of 1967 for the words "section 221(1) of the Act of 1962" there shall be substituted the words " section 290(1) of the Act of 1971 ".

In section 89(6)(b) of the said Act of 1967 for the words " section 221(1) of the Act of 1962" there shall be substituted the words " section 290(1) of the Act of 1971 ".

In section 99 of the said Act of 1967—

- (a) in subsection (1) after the words "' the Act of 1962 " means the Town and Country Planning Act 1962 " there shall be inserted the words " ' the Act of 1971' means the Town and Country Planning Act 1971 ";
- (b) in subsection (2)(b) for the words "paragraphs 1, 2, 3 and 5 to 8 of Schedule 3 to the Act of 1962, as read with Part III of that Schedule and with section 1(4) of the Town and Country Planning Act 1963 " there shall be substituted the words " paragraphs 1, 2,3 and 5 to 8 of Schedule 8 to the Act of 1971, as read with Part III of that Schedule " and for the words "the said Act of 1963 " there shall be substituted the words " the Town and Country Planning Act 1963 ";
- (c) in subsection (8) for the words "subsection (1) of section 221 (interpretation) of the Act of 1962 " there shall be substituted the words " section 290(1) (interpretation) of the Act of 1971 ".

In Schedule 15 to the said Act of 1967, in paragraph (viii) for the words " section 19(4) of the Town and Country Planning Act 1962" there shall be substituted the words " section 34 of the Town and Country Planning Act 1971 ".

In Schedule 16 to the said Act of 1967, in Part I, for the words " section 82 of the Act of 1962 " (in both places where they occur) there shall be substituted the words " section 128 of the Act of 1971 " and for the words " Section 87(3) of the Act of 1962 " and " section 82 of that Act" there shall be substituted respectively the words " Section 133(3) of the Act of 1971 " and " section 128 of that Act".

The General Rate Act 1967 (c. 9)

In section 32(8) of the General Rate Act 1967 for the words " the Town and Country Planning Act 1962" there shall be substituted the words " the Town and Country Planning Act 1971 ".

In Schedule 1 to the said Act of 1967, in paragraph 2(c) (as amended by the Act of 1968), for the words " 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" there shall be substituted the words " a building preservation notice as defined by section 58 of the Town and Country Planning Act 1971 or is included in a list compiled or approved under section 54 of that Act ".

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The Forestry Act 1967 (c. 10)

In section 9(4)(d) of the Forestry Act 1967 for the words " the Town and Country Planning Act 1962 " there shall be substituted the words " the Town and Country Planning Act 1971 ".

In section 35 of the said Act of 1967 for the words " section 29 of the Town and Country Planning Act 1962 " there shall be substituted the words " section 60 of the Town and Country Planning Act 1971 ".

In Schedule 3 to the said Act of 1967, in paragraph 2, for the words " section 22 of the Town and Country Planning Act 1962 " and " the said section 22 " there shall be substituted respectively the words " section 35 of the Town and Country Planning Act 1971 " and " the said section 35 " ; and in paragraph 3 for the words " the Town and Country Planning Act 1962 " there shall be substituted the words " the Town and Country Planning Act 1971 ".

The Agriculture Act 1967 (c. 22)

In section 49(5)(a) of the Agriculture Act 1967 for the words " section 180 of the Town and Country Planning Act 1962 " and "Part IV of that Act" there shall be substituted respectively the words " section 246 of the Town and Country Planning Act 1971 " and " Part V of that Act ".

In section 50(3)(b) of the said Act of 1967 for the words " section 221(1) of the Town and Country Planning Act 1962 " there shall be substituted the words " section 290(1) of the Town and Country Planning Act 1971 ".

In section 52(2)(g) for the words " the Town and Country Planning Act 1962 " there shall be substituted the words " the Town and Country Planning Act 1971 ".

The Civic Amenities Act 1967 (c. 69)

In section 28 of the Civic Amenities Act 1967—

- (a) in subsection (2) for the words "Subsections (1) to (5) of section 212 " and " section 211 " (in both places where they occur) there shall be substituted respectively the words " Section 281(1) to (5) " and " section 280 " ;
- (b) in subsection (3) for the words "Section 213 to 215" and " section 213 " there shall be substituted respectively the words " Sections 282 to 284 " and "section 282 ".

In section 30(1) of the said Act of 1967 for the words " ' the Planning Act ' means the Town and Country Planning Act 1962 " there shall be substituted the words " ' the Planning Act ' means the Town and Country Planning Act 1971 "

The Leasehold Reform Act 1967 (c. 88)

In section 28(6)(a) of the Leasehold Reform Act 1967 (inserted by the Act of 1968) for the words " the Town and Country Planning Act 1962 " there shall be substituted the words " the Town and Country Planning Act 1971 ".

In Schedule 4 to the said Act of 1967, in paragraph 1(7), for the words " the Town and Country Planning Act 1962 " there shall be substituted the words " the Town and Country Planning Act 1971 "

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The Public Expenditure and Receipts Act 1968 (c. 14)

In Schedule 3 to the Public Expenditure and Receipts Act 1968 for paragraph 7(b) there shall be substituted:—

“(b) The Town and Country Planning Act 1971 (c. 78) section 145(9).”

The Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)

In section 13(2) of the Agriculture (Miscellaneous Provisions) Act 1968 for the words " sections 67, 68 or 72 of the Town and Country Planning Act 1962" there shall be substituted the words " section 112 or 120 of the Town and Country Planning Act 1971 ".

The Countryside Act 1968 (c. 41)

In section 33 of the Countryside Act 1968—

- (a) in subsections (1)(e) and (2) for the words " section 28 of the Town and Country Planning Act 1962 " there shall be substituted the words " section 51 of the Town and Country Planning Act 1971 ";
- (b) in subsection (2) for the words " section 136 of that Act", " Part VIII of that Act ", " section 134(2) of that Act" and " the said section 28 " there shall be substituted respectively the words " section 189 of that Act ", "Part IX of that Act", "section 187(2) of that Act" and "the said section 51."

In section 34(2) of the said Act of 1968 for the words "section 28 of the Town and Country Planning Act 1962", "section 136 of that Act", "Part VIII of that Act", "section 134(2) of that Act" and "the said section 28 " there shall be substituted respectively the words " section 51 of the Town and Country Planning Act 1971 " section 189 of that Act" Part IX of that Act", " section 187(2) of that Act" and " the said section 51 ".

In section 40(1) of the said Act of 1968 for the words " section 2 of the Town and Country Planning Act 1962" there shall be substituted the words " section 1 of the Town and Country Planning Act 1971 ".

In Schedule 4 to the said Act of 1968—

- (a) in paragraph 1(1) for the words "Part I of Schedule 2 to the Town and Country Planning Act 1962" there shall be substituted the words " Part I of Schedule 2 to the Town and Country Planning Act 1971 ";
- (b) in paragraph 1(2) for the words "the said Act of 1962" there shall be substituted the words " the said Act of 1971 ";
- (c) in paragraph 1(5) for the words " the said Part I of Schedule 2 to the Act of 1962 " there shall be substituted the words " the said Part I of Schedule 2 to the Act of 1971 ";
- (d) in paragraph 2(1) for the words " Part II of Schedule 2 to the said Act of 1962 " there shall be substituted the words " Part II of Schedule 2 to the said Act of 1971 ";
- (e) in paragraph 3 for the words " section 2(2) of the said Act of 1962" there shall be substituted the words " section 1(2) of the said Act of 1971 ".

The Caravan Sites Act 1968 (c. 52)

In section 8(3) of the Caravan Sites Act 1968 for the words " section 22 of the Town and Country Planning Act 1962" there shall be substituted the words " section 35 of the Town and Country Planning Act 1971 ".

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

In section 16 of the said Act of 1968 for the words " Part III of the Town and Country Planning Act 1962 " there shall be substituted the words " Part III of the Town and Country Planning Act 1971 "

The Town and Country Planning Act 1968 (c. 72)

In section 59 of the Town and Country Planning Act 1968 after the words " listed building " there shall be inserted the words " (as defined by section 54 of the Town and Country Planning Act 1971) "

The Transport Act 1968 (c. 73)

In section 108 of the Transport Act 1968—

- (a) in subsection (1) for the words "section 36 of the Town and Country Planning Act 1962 ", " the said Act of 1962 " and "the said section 36" there shall be substituted respectively the words " section 65 of the Town and Country Planning Act 1971 ", " the said Act of 1971 " and "the said section 65 " ;
- (b) in subsection (3) for the words " the said Act of 1962 " there shall be substituted the words " the Town and Country Planning Act 1962 " .

In section 112(3)(d) of the said Act of 1968 for the words "section 36 of the Town and Country Planning Act 1962" there shall be substituted the words " section 65 of the Town and Country Planning Act 1971 " .

In section 139(1)(b) and (c) of the said Act of 1968 for the words "section 129, 135 or 136 of the Town and Country Planning Act 1962 ", " section 139 of the said Act of 1962 " and " section 142 of the said Act of 1962 " there shall be substituted respectively the words " section 180, 188 or 189 of the Town and Country Planning Act 1971 ", " section 193 of the said Act of 1971 " and " section 196 of the said Act of 1971 " .

In section 141(2) of the said Act of 1968 for the words " section 221(1) of the Town and Country Planning Act 1962" there shall be substituted the words " section 290(1) of the Town and Country Planning Act 1971 " .

In section 142(2) of the said Act of 1962 for the words "the Town and Country Planning Act 1962", "Part III of that Act" and " Part VIII of that Act" there shall be substituted respectively the words " the Town and Country Planning Act 1971 " , " Part III or Part IV of that Act " and " Part IX of that Act" .

The Redundant Churches and other Religious Buildings Act 1969 (1969 c. 22)

In section 2 of the Redundant Churches and other Religious Buildings Act 1969 for the words " Section 40 of the Town and Country Planning Act 1968" and " section 32 of the Town and Country Planning Act 1962" there shall be substituted respectively the words " Section 55 of the Town and Country Planning Act 1971 " ' and V section 54 of that Act".

The Town and Country Planning (Scotland) Act 1969 (c. 30)

In section 64(1) of the Town and Country Planning (Scotland) Act 1969 for the words "section 62 of the Town and Country Planning Act 1968 " there shall be substituted the words " section 48 of the Town and Country Planning Act 1971 " .

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In Schedule 6 to the said Act of 1969 for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below :—

" the corresponding provision of the Act of 1968 " (in the Table in paragraph 1)	"the corresponding provision of the Act of 1971 ".
"section 41 of the Act of 1962 " (in paragraphs 1 and 8(3))	" section 40 of the Act of 1971 "
the words in paragraph 2(a)	" (a) ' the Act of 1971 ' means the Town and Country Planning Act 1971 ".
" or in the Act of 1962 " (in paragraph 3)	" or in the Act of 1971 "
"section 22 of the Act of 1962" (in paragraph 8(2))	" section 35 of the Act of 1971 ".
"Section 23 of the Act of 1962" (in paragraph 8(2))	" section 36 of the Act of 1971 ".
"section 17(2) or (3) of the Act of 1962" (in paragraphs 8(2)(b) and 10(c))	" section 29(2) or (3) of the Act of 1971 ".
" and the Act of 1962 " (in paragraph 8(4))	"and the Act of 1971 ".
" section 62(1)(a), (b) or (c) of the Act of 1968 " (in paragraph 10(b))	" section 48(1)(a), (b) or (c) of the Act of 1971 ".
"in either of the said sections 62(1)(a) or (b) " (in paragraph 10(c))	" in section 62(1)(a) or (b) of this Act or in section 48(1)(a) or (b) of the Act of 1971 ".
" Sections 22(5) and 23(5) of the Act of 1962" (in paragraph 11(2))	"Sections 35(5) and 36(4) of the Act of 1971 ".
" sections 21(6) and 22(4) of the Act of 1968" (in paragraph 11(2))	"paragraphs 2(2) and 3(4) of Schedule 9 to the Act of 1971 ".
" Part III of that Act" (in paragraph 11(2))	"that Schedule".

The Housing Act 1969 (c. 33)

In section 33 of the Housing Act 1969—

- (a) in subsection (1) for the words " section 92 of the Town and Country Planning Act 1968 " there shall be substituted the words " section 212 of the Town and Country Planning Act 1971 ";
- (b) in subsection (2) for the words " section 92 of that Act" and "section'93 of that Act" there shall be substituted respectively the words " section 212 of that Act " and " section 213 of that Act".

The Transport (London) Act 1969 (c. 35)

In section 2(2)(b) and (c) of the Transport (London) Act 1969 for the words " section 25(2) of the London Government Act 1963 " there shall be substituted the words " paragraph 8(2) of Schedule 5 to the Town and Country Planning Act 1971 ", for the words " section 26(2) of that Act" there shall be substituted the words " section 26(2) of the London Government Act 1963 or the said Schedule 5 ", after the words " Part I of the Town and Country Planning Act 1968 " there shall be inserted the words " or Part II of the Town and Country Planning Act 1971 " and after the words " the said Part I" there shall be inserted the words " or the said Part II "

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In section 30 of the said Act of 1969 for the words " section 24(6) of the London Government Act 1963 " there shall be substituted the words " paragraph 7 of Schedule 3 to the Town and Country Planning Act 1971 ".

In Schedule 3 to the said Act of 1969, in paragraph 1(3), for the words " section 69 of the Town and Country Planning Act 1968 " and "the Town and Country Planning Act 1962" there shall be substituted respectively the words " section 223 of the Town and Country Planning Act 1971 " and " that Act In Schedule 5 to the said Act of 1969—

- (a) in paragraph 12(2) (as amended by the Land Commission (Dissolution) Act 1971) for the words "section 67(1) of the Town and Country Planning Act 1968 " there shall be substituted the words " section 43(1) of the Town and Country Planning Act 1971 ";
- (b) in paragraph 20(a)(ii) for the words " section 221(1) of the Town and Country Planning Act 1962 " there shall be substituted the words " section 290(1) of the Town and Country Planning Act 1971 ";
- (c) in paragraph 22(4) for the words "Section 127 of the Town and Country Planning Act 1962 " there shall be substituted the words " Section 178 of the Town and Country Planning Act 1971 ";
- (d) in paragraph 22(5) for the words " section 27 or section 28 of the said Act of 1962" and " section 118 or, as the case may be, section 124 of that Act" there shall be substituted respectively the words " section 45 or 51 of the said Act of 1971 " and "section 164 or, as the case may be, section 170 of that Act ".

The Post Office Act 1969 (c. 48)

In section 57 of the Post Office Act 1969 for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—

"Sections 211(6) and 212(1) to (3) and (6) of the Town and Country Planning Act 1962 "	"Sections 280(9) and 281(1) to (3) and (6) of the Town and Country Planning Act 1971 "
"section 211(1) to (5) thereof"	" section 280(1) to (8) thereof "
" the said section 211 "	"the said section 280"
"section 211(6)"	" section 280(9) "
" section 212(1) "	" section 281(1)"
"Section 128 of the Town and Country Planning Act 1962 "	"Section 179 of the Town and Country Planning Act 1971 "
" Part VII of that Act"	"Part VIII of that Act".

In Schedule 4 to the said Act of 1969—

- (a) in paragraph 89(1) for the words from "section 69(1)" to "undertakers)" and for the words " section 221(1) of the Town and Country Planning Act 1962 " there shall be substituted respectively the words " section 223(1) of the Town and Country Planning Act 1971 " and " section 222 of that Act"; and in paragraph 89(2) for the words "The said section 69 " there shall be substituted the words " The said section 223 ".
- (b) in paragraph 93(1) sub-paragraphs (xix) and (xxxi) shall be omitted and after sub-paragraph (xxxii) there shall be inserted—
 - “(xxxiii) sections 22, 40, 48, 49, 118(2), 127, 128, 129, 149, 165(3), 181, 182, 183, 186, 192, 206(6), 210(2), 213(3), 216, 223, 225 to 241, 245(7)(b), 225 and 281(6)(b) of, and Schedule 10,

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paragraphs 1 to 3 of Schedule 19, and Schedule 20 to, the Town and Country Planning Act 1971 and for the words "section 164 of the Town and Country Planning Act 1962" there shall be substituted the words " section 230 of the Town and Country Planning Act 1971.";

- (c) in paragraph 93(2) sub-paragraphs (i) and (q) shall be omitted and after sub-paragraph (r) there shall be inserted—
- “(s) sections 206(6), 225 to 241 and 281(6)(b) of, and Schedule 10 and paragraph 4 of Schedule 20 to, the Town and Country Planning Act 1971”.
- (d) in paragraph 93(4) sub-paragraphs (c) and (h) shall be omitted and after, sub-paragraph (f) there shall be inserted—
- “(j) sections 149(3), 165(3) and 225 to 241 of, and Schedule 10 to, the Town and Country Planning Act 1971 " ”.

In Schedule 9 to the said Act of 1969—

- (a) in paragraph 27 for the words set out in the first column below (in each place where they occur in that paragraph) there shall be substituted the words set out opposite to them in the second column below:—

"Parts VI and XI of the Town and Country Planning Act 1962"	" Parts VII and XII of the Town and Country Planning Act 1971 "
"Section 7 of the Control of Office and Industrial Development Act 1965 "	"Section 78 of the Town and Country Planning Act 1971 "
"section 19(4) of the Town and Country Planning Act 1962"	" section 34 of the Town and Country Planning Act 1971 "
"Section 69 of the Town and Country Planning Act 1968"	"Section 223 of the Town and Country Planning Act 1971 "
" for the purposes of the Town and Country Planning Act 1962 "	" for the purposes of the Town and Country Planning Act 1971 "
" Sections 65 and 66 of the Town and Country Planning Act 1968 "	" Sections 41 and 42 of the Town and Country Planning Act 1971 "
"Subsections (3) and (5) of section 67 of the Town and Country Planning Act 1968 "	" Subsections (5) and (7) of section 43 of the Town and Country Planning Act 1971 "
" sections 65 and 66 of that Act"	"sections 41 and 42 of that Act"

- (b) in paragraph 28 for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—

" section 199 of the Town and Country Planning Act 1962"	"section 266 of the Town and Country Planning Act 1971 "
" section 16 of the said Act of 1962"	"section 27 of the said Act of 1971 "
"the said Act of 1962" (in paragraph 28(2))	"the said Act of 1971 "

- (c) in paragraph 29 for the words "paragraph 12 of Schedule 13 to the Town and Country Planning Act 1962" and "section 15 of the Town and Country Planning Act 1968" there

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shall be substituted respectively the words " paragraph 34 of Schedule 24 to the Town and Country Planning Act 1971 " and " section 87 of the said Act of 1971 ".

The Courts Act 1971 (c. 23)

In section 89(6)(b) of the said Act of 1967 for the words " section 29(1) of the Town and Country Planning Act 1968 " there shall be substituted the words " section 113(1) of the Town and Country Planning Act 1971 ".

The Highways Act 1971 (c. 41)

In section 3 of the Highways Act 1971—

- (a) in subsection (1) for the words "section 91 of the Town and Country Planning Act 1968" and " the said section 91" there shall be substituted respectively the words " section 211 of the Town and Country Planning Act 1971 " and " the said section 211 " ;
- (b) in subsection (4) for the words " Section 154 of the Town and Country Planning Act 1962 ", " section 91 of the Town and Country Planning Act 1968 " and " subsections (2) and (6) of section 154" there shall be substituted respectively the words " Section 215 of the Town and Country Planning Act 1971 ", " section 211 of that Act" and "subsections (2) and (7) of section 215 ".

In section 4(1) of the said Act of 1971 for the words " section 91 of the Town and Country Planning Act 1968 " there shall be substituted the words " section 211 of the Town and Country Planning Act 1971 ".

In section 8(1)(a) of the said Act of 1971 for the words " section 91 of the Town and Country Planning Act 1968 " there shall be substituted the words " section 211 of the Town and Country Planning Act 1971 "

In section 40(3) of the said Act of 1971 for the words " the Town and Country Planning Act 1962 " there shall be substituted the words " the Town and Country Planning Act 1971 "

In section 63 of the said Act of 1971—

- (a) in subsection (1) for paragraphs (a) to (d) there shall be substituted—
 - “(a) sections 230 and 231 of the Town and Country Planning Act 1971 (power to extinguish rights of statutory undertakers over land acquired under certain enactments or appropriated by a local authority for planning purposes);
 - (b) section 232 of that Act (power of statutory undertakers to remove or re-site apparatus affected by development) ; and
 - (c) sections 237(2) and (3), 238 and 240 of that Act (compensation), so far as applicable for the purposes of the said sections 230, 231 and 232 ;”and for the words " Part V of the said Act of 1962 " there shall be substituted the words " Part VI of the said Act of 1971 ";
- (b) in subsections (2) and (3) for the words " the said Acts of 1962 and 1968 " there shall be substituted the words " the said Act of 1971 ".

In Schedule 10 to the said Act of 1971—

- (a) in paragraph 1 for the words "sections 164, 165, 170(2), 171 and 173 of the Town and Country Planning Act 1962 " there shall be substituted the words " sections 230, 231, 237(2), 238 and 240 of the Town and Country Planning Act 1971 ";

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- (b) in paragraph 2 for the words " in subsection (4) of the said section 164 and in subsection (2) of the said section 165 " there shall be substituted the words " in subsection (4) of the said section 230 and in subsection (2) of the said section 231 ";
- (c) in paragraph 3 for the words from the beginning to " that section " there shall be substituted—

“3 In subsection (1) of the said section 230 the words from ' if satisfied' to ' appropriated' shall be omitted and after that subsection there shall be inserted the following:—

“(1A) A notice under this section””

- (d) in paragraph 4 for the words " subsections (1) and (2) of section 73 of the said Act of 1968 " there shall be substituted the words " subsections (1) and (2) of section 232 of the said Act of 1971 ";
- (e) in paragraph 5 for the words "subsections (3), (6) and (7) of the said section 73 " there shall be substituted the words " subsections (3) and (6) of the said section 232, subsection (3) of the said section 237 and subsection (4) of the said section 238 ".

The Civil Aviation Act 1971 (c. 75)

In section 14 of the Civil Aviation Act 1971—

- (a) in subsections (6) and (9) for the words "subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 " and " section 153 of that Act" there shall be substituted respectively the words " subsections (1) and (2) of section 220 of the Town and Country Planning Act 1971 " and " section 209 of that Act" ;
- (b) in subsections (7) and (9)(d) for the words " section 82 of the Town and Country Planning Act 1962" and "Part V of that Act" there shall be substituted respectively the words " section 128 of the Town and Country Planning Act 1971 " and " Part VI of that Act".

In section 17 of the Civil Aviation Act 1971 for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below :—

"section 118, 119, 123, 134(2) or 170(1) of the Town and Country Planning Act 1962"	"section 164, 165, 169, 187(2), or 237(1) of the Town and Country Planning Act 1971 "
"the said section 118"	" the said section 164 "..
" section 27 of the said Act of 1962 "	section 45 of the said Act of 1971".
" section 122 of the said Act of 1962"	section 168 of the said Act of 1971".
" section 129 of the said Act of 1962"	section 180 of the said Act of 1971 ".
"section 130(2) or 133(1) of the said Act of 1962 "	" section 181(2) or 186(1) of the said Act of 1971 ".
" the said section 27 "	" the said section 45 ".
" Part III of the said Act of 1962"	"Part III of the said Act of 1971".

In Schedule 5 to the Civil Aviation Act 1971—

- (a) in paragraph 5, sub-paragraphs (q) and (bb) shall be omitted and after paragraph (ee) there shall be inserted—

“(ff) sections 22, 40, 48, 49, 118(2), 127, 128, 129, 149, 165(3), 181, 182, 183, 186, 192, 206(6), 209(3)(b), 210(2), 213(3), 216, 223, 225 to 241

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- (except section 230 as applied by section 13 of the Opencast Coal Act 1958), 245(7X6), 255, 281(6)(b) of, and Schedule 10, paragraphs 1 to 3 of Schedule 19, and Schedule 20 to, the Town and Country Planning Act 1971”;
- (b) in paragraph 6, sub-paragraphs (f) and (l) shall be omitted and after paragraph (m) there shall be inserted—
- “(n) sections 206(6), 225 to 241 and 281(6)(b) of, and Schedule 10 and paragraph 4 of Schedule 20 to, the Town and Country Planning Act 1971”;
- (c) in paragraph 7, sub-paragraphs (c) and (g) shall be omitted and after paragraph (h) there shall be inserted—
- “(i) sections 149(3), 165(3) and 225 to 241 of, and Schedule 10 to, the Town and Country Planning Act 1971”;
- (d) in paragraph 8 for the words " section 69 of the Town and Country Planning Act 1968", "the Town and Country Planning Act 1962" and " Section 70(2) of the said Act of 1968" there shall be substituted respectively the words " section 223 of the Town and Country Planning Act 1971 " , " that Act" and " Section 225(2)(b) of the said Act of 1971 " .

SCHEDULE 24

Section 292.

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

GENERAL PROVISIONS

- 1 (1) In so far as anything done under an enactment repealed by this Act could have been done under a corresponding provision in this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- (2) Sub-paragraph (1) of this paragraph applies, in particular, to any order, regulation, rule, development plan or amendment or alteration of a development plan, application, objection, representation, determination, decision, reference, appeal, declaration, agreement, arrangement, claim or apportionment made, payment made or recovered, report or proposal submitted, list or amendment of a list compiled or made, permission granted, consent, approval or authorisation given, certificate, permit, information or direction issued or given, enforcement or other notice or copy served, published or registered, inquiry held, delegation effected, register kept and requirement imposed.
- (3) In relation to any permission which (whether by virtue of an enactment repealed by this Act or otherwise) was deemed to be granted under an enactment repealed by this Act, sub-paragraph (1) of this paragraph shall apply as it applies to permission granted under such an enactment.
- (4) Sub-paragraph (1) of this paragraph shall not apply to any regulations or order revoked as from the commencement of this Act in the exercise of the powers conferred by section 294.
- 2 Without prejudice to section 291 of, and Schedule 23 to, this Act, where any Act (whether passed before, or in the same Session as this Act) or any document

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refers, either expressly, or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

3 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

4 Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of the corresponding provisions of the enactments repealed by this Act.

5 (1) Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

(2) Where an offence, for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.

6 (1) Any reference in this Act to an order or scheme made or confirmed under an enactment which is not repealed by, and re-enacted (with or without modifications) in, this Act, shall be construed as a reference to any order or scheme so made or confirmed whether before or after the commencement of this Act.

(2) Without prejudice to sub-paragraph (1) of this paragraph, any reference in this Act to an order or scheme made or confirmed under an enactment contained in the Highways Act 1959 or the New Towns Act 1965, or under any other such enactment as is mentioned in that sub-paragraph, shall be construed as including a reference to any order or scheme made or confirmed under any corresponding provisions of an enactment repealed by the said Act of 1959 or 1965, or repealed by the enactment in question, as the case may be.

7 In the preceding provisions of this Part of this Schedule, references (however expressed) to things done under enactments repealed by this Act shall be construed, in relation to the Act of 1962, as including references to things which, by virtue of paragraph 18 of Schedule 13 or Part I of Schedule 14 to the Act of 1962 fell to be treated as if done under that Act.

PART II

CENTRAL AND LOCAL ADMINISTRATION

Transfer of property and officers to local planning authorities

8 Nothing in this Act or the Act of 1962 shall affect, or be treated as having affected, the operation of any regulations made by virtue of section 101 of the Act of 1947 (provisions for transfer of property and officers to local planning authorities and

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for other matters consequential upon or supplementary to section 4 of that Act) in so far as any such regulations do not have effect in accordance with paragraph 1 of this Schedule.

Delegation of functions: compensation in respect of tree preservation orders

- 9 The terms of any delegation of functions by a local planning authority effected in pursuance of section 3 of the Act of 1962 before 4th August 1968 may be varied, so as to take account of any liability under section 175 of this Act of a local authority to whom functions have been so delegated, in such manner as the local planning authority and the other local authority may agree, or, if they fail to agree, as may be determined by the Secretary of State.

PART III

DEVELOPMENT PLANS

Designation of land as subject to compulsory acquisition

- 10 The repeal by the Act of 1968 of the provisions of Part II of the Act of 1962 relating to the designation of land as subject to compulsory acquisition and to land so designated (which are accordingly not reproduced in Schedule 5 to this Act) shall not affect proposals for alterations or additions to a development plan submitted under section 6 of that Act before 1st April 1969, and the powers of the Secretary of State in relation to such proposals shall continue to be exercisable as if those provisions had not been repealed and had been reproduced in that Schedule.

Effect of existing commencement orders

- 11 (1) In relation to so much of any order made under section 105 of the Act of 1968 (commencement) as brings into operation any of the provisions of that Act specified in the Table below, paragraphs 1 and 2 of this Schedule shall have effect subject to this paragraph.
- (2) So far as the order brings any of the said provisions into operation it shall have effect as if it were an order made under section 21(2) of this Act repealing the provisions of this Act set out opposite to the first-mentioned provisions in the said Table.
- (3) Any transitional provision made by the order in connection with any of the said provisions of the Act of 1968 which it brings into operation shall be construed so as to produce a corresponding effect in connection with the provisions of this Act which by virtue of this paragraph it is treated as repealing.

TABLE

Provision of Act of 1968 brought into operation	Provision of this Act treated as repealed
In Schedule 9, paragraph 5.	In Schedule 6, paragraphs 3, 4, 5 and 7.
In Schedule 9, paragraph 35(a).	In Schedule 6, paragraph 2.
In Schedule 9, paragraph 54.	In Schedule 6, paragraph 9.

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Provision of Act of 1968 brought into operation	Provision of this Act treated as repealed
In. Schedule 9, paragraph 55(a) as respects sections 1 to 12 of the Act of 1962.	In Schedule 6, paragraph 11.
In Schedule 11, the repeal of any provision of Part II of the Act of 1962.	In Schedule 5, the corresponding provision of Part I.
In Schedule 11, the repeal of section 210 of the Act of 1962.	In Schedule 6, paragraph 6.
In Schedule 11, the repeal of the definition of " development plan " in section 221(1) of the Act of 1962.	In Schedule 6, paragraphs and 8.
In Schedule 11, the repeal in section 24(6) of the London Government Act 1963.	In Schedule 6, paragraph 10.
In Schedule 11, the repeal of any provision of sections 25 to 27 of the London Government Act 1963.	In Schedule 5, the corresponding provision of Part II.

PART IV

GENERAL PLANNING CONTROL

Planning permission: general

- 12 Subsection (1) of section 23 of this Act applies (subject to the provisions of that section) to the carrying out of development whether before or after the commencement of this Act, except that it does not apply to development carried out on or before the appointed day.
- 13 In sections 26 and 27 of this Act references to an application for planning permission do not include references to any application made before 16th August 1959.
- 14 Subsection (2)(b) of section 26, and the other provisions of that section relating to subsection (2)(b), do not apply to my application made before 1st April 1969.
- 15 Where by virtue of paragraph 12 of Schedule 14 to the Act of 1962 (works for making good war damage which were begun between the appointed day and 13th December 1950) any works were, immediately before the commencement of this Act, treated for the purposes of that Act as if planning permission had been granted unconditionally in respect thereof, those works shall be so treated for the purposes of this Act also.
- 16 For the purposes of paragraph 1 of this Schedule, any order made or having effect as if made by virtue of subsection (3) of section 19 of the Act of 1962, being an order which was saved on the repeal of that subsection by the Secretary of State for the Environment Order 1970, shall be treated as having been made under provisions of the Act of 1962 corresponding to those of section 31 of this Act notwithstanding the omission from the said section 31 of provisions corresponding to those of the said section 19 which were repealed as aforesaid.

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Review of planning decisions and orders under Part V of Act of 1954

- 17 For the purposes of paragraph 1 of this Schedule, any direction given under section 45(3) or (4) of the Act of 1954, whether before or (by virtue of paragraph 79 of this Schedule) after the commencement of this Act, as well as any direction given under section 23 of that Act or section 25 of the Act of 1962, shall be treated as a direction which could have been given under provisions of the Act of 1962 corresponding to those of section 38 of this Act.

Duration of planning permission

- 18 Sections 41 and 42 of this Act do not apply to planning permissions granted or deemed to have been granted before 1st April 1969.
- 19 (1) Subject to sub-paragraph (2) of this paragraph, every planning permission granted or deemed to have been granted before 1st April 1969 shall, if the development to which it relates had not been begun before the beginning of 1968, be deemed to have been granted subject to a condition that the development must be begun not later than the expiration of five -years beginning with 1st April 1969.
- (2) Sub-paragraph (1) of this paragraph does not apply—
- (a) to any planning permission which was granted or deemed to be granted before 1st April 1969 subject to an express condition that the development to which it relates should be begun, or be completed, not later than a specified date or within a specified period ; or
- (b) to any such planning permission as is mentioned in section 41(3) of this Act.
- 20 (1) Subject to sub-paragraph (2) of this paragraph, where before 1st April 1969 outline planning permission (as defined by section 42 of this Act) has been granted for development consisting in or including the carrying out of building or other operations, and the development has not been begun before the beginning of 1968, that planning permission shall be deemed to have been granted subject to conditions to the following effect—
- (a) that, in the case of any reserved matter (as defined in that section), application for approval must be made not later than the expiration of three years beginning with 1st April 1969; and
- (b) that the development to which the permission relates must be begun not later than whichever is the later of the following dates—
- (i) the expiration of five years from 1st April 1969 ; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (2) Sub-paragraph (1) of this paragraph does not apply to any planning permission granted before 1st April 1969 subject to an express condition that the development to which it relates should be begun, or be completed, or that application for approval of any reserved matter should be made, not later than a specified date or within a specified period.
- 21 (1) In sections 30(3), 43(1), (5), (6) and (7), 44 and 46(6) of this Act references to section 41 and 42 of this Act shall respectively include references to paragraphs 19 and 20 of this Schedule.

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- (2) 'In sections 147(3), 169(7), 180(4) and 237(5) of this Act references to the conditions referred to in sections 41 and 42 of this Act shall include references to the conditions referred to in paragraphs 19 and 20 of this Schedule.
- 22 Until the coming into operation of the first regulations to be made for the purposes of paragraph (c) of section 43(3) of this Act (or the corresponding enactment previously in force), regulations made for the purposes of section 99(2) of the Land Commission Act 1967 shall have effect as if made also for the purposes of that paragraph.

PART V

ADDITIONAL CONTROL IN SPECIAL CASES

Buildings of architectural or historic interest

- 23 Section 55(1) of this Act does not apply to any works executed or caused to be executed before 1st January 1969.
- 24 (1) Where, before 1st January 1969, consent under a building preservation order was given, either by the local planning authority or by the Minister on appeal, for the execution of any works, the consent shall operate in respect of those works as listed building consent, subject to the same conditions (if any) as were attached to the consent under the building preservation order.
- (2) In the case of demolition works for which consent was given under a building preservation order compliance with section 55(2)(b) of this Act shall not be required.

Replacement of trees

- 25 Section 59 of this Act does not apply in relation to planning permission granted before 28th August 1967.

Industrial development

- 26 (1) So much of sections 66 to 72 of this Act as corresponds to provisions of the Industrial Development Act 1966 does not apply in relation to any application for planning permission made, or any industrial development certificate issued, before 19th August 1966 ; and so much of those sections as corresponds to provisions of the Local Employment Act 1960 does not apply in relation to any application for planning permission made before 1st April 1960.
- (2) Section 70(3)(b) of this Act does not apply to any industrial development certificate issued before 1st April 1969.
- (3) In relation to an application for planning permission made before 1st April 1960, " industrial building " has the meaning assigned to it in section 15 of the Distribution of Industry Act 1945.
- (4) In relation to a relevant application (as defined in subsection (4) of section 68 of this Act) on which a planning decision was made before 5th August 1965, that section shall have effect as if it contained provisions corresponding to those of section 39 of

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the Act of 1962 without the amendments made by section 20 of the Control of Office and Industrial Development Act 1965.

- 27 Without prejudice to Part I of this Schedule, any order in force at the commencement of this Act under section 19 of the Control of Office and Industrial Development Act 1965 shall have effect as an order under section 69 of this Act, and section 68 of this Act shall accordingly have effect subject to the provisions of that order.

Office development

- 28 (1) Subject to paragraph 29 of this Schedule, sections 74 and 75 of this Act do not apply to any application for planning permission made before 5th August 1965.
- (2) Section 78 of this Act does not apply to any planning permission granted before 5th August 1965 and, in relation to any planning permission granted on or after 5th August 1965 and before 1st April 1969, shall have effect as if it contained provisions corresponding to section 7 of the Control of Office and Industrial Development Act 1965 (so far as applicable to such a permission) without the amendments made by section 84 of the Act of 1968.
- (3) Section 76(2) of this Act does not apply to any application for planning permission made before 1st April 1969 and sections 79 and 80 of this Act do not apply to any planning permission granted before 1st April 1969.
- 29 (1) Sections 74 and 75 of this Act apply in relation to an application for planning permission to carry out development to which those sections apply on land within the metropolitan region (as defined in section 85 of this Act) which was made before 5th August 1965 but on which no planning decision had been made before that date.
- (2) In its application, by virtue of sub-paragraph (1) of this paragraph, in relation to an application made before the said date, section 74(1) of this Act shall have effect as if for the words "together with the application" there were substituted the words "as soon as practicable after the permit is issued".
- 30 Without prejudice to Part I of this Schedule, any order in force at the commencement of this Act under section 2(7) of the Control of Office and Industrial Development Act 1965 shall have effect as an order under subsection (8) of section 75 of this Act, and subsection (7) of that section shall accordingly have effect subject to the provisions of that order.

PART VI

ENFORCEMENT OF CONTROL

Enforcement notices under enactments in force before 1st April 1969

- 31 (1) This paragraph applies to any enforcement notice which was served before 1st April 1969 on the owner and occupier of the land to which it related under section 45 of the Act of 1962 or which has effect by virtue of paragraph 1 of Schedule 14 to that Act or to which paragraph 32, 33 or 34 of this Schedule applies.
- (2) In relation to any such notice—
- (a) the provisions of this Act (other than this Schedule) shall not apply ;

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- (b) notwithstanding their repeal or amendment by the Act of 1968, the provisions of the Act of 1962 and of any other Act passed before the Act of 1968 shall, subject to the subsequent provisions of this Schedule, have effect as they would have had effect in relation to the notice if the Act of 1968 and this Act had not been passed.
- (3) In relation to an enforcement notice served before 1st April 1969, paragraph 4 of Schedule 12 to this Act shall have effect as if the references to provisions of this Act were references to the corresponding provisions of the Act of 1962.
- (4) Nothing in this paragraph shall prevent the withdrawal, on or after 1st April 1969, of an enforcement notice so served or the service thereafter of an enforcement notice under Part V of this Act.

Enforcement notices served before 29th August 1960

- 32 (1) This paragraph applies to any enforcement notice served before 29th August 1960 on the owner and occupier of the land to which it related other than a notice to which paragraph 33 of this Schedule applies.
- (2) In relation to any such notice—
 - (a) sections 45 to 49 and section 177(1) of the Act of 1962 shall not apply ;
 - (b) notwithstanding their repeal by the Act of 1962, sections 23 and 24 of the Act of 1947 shall have effect as they would have had effect in relation to the notice if the Act of 1962 had not been passed ;
 - (c) section 50 of the Act of 1962 shall not apply if the planning permission in question was granted before the said 29th August;
 - (d) for the references in section 51(3) and (4) of the Act of 1962 to section 48 of that Act, there shall be substituted references to section 24(1) of the Act of 1947 and in section 51(5) of the Act of 1962 the words from " and no person " onwards shall be omitted.

Enforcement notices served by virtue of section 75 of Act of 1947

- 33 (1) This paragraph applies to any enforcement notice served before the commencement of this Act by virtue of section 75 of the Act of 1947 (which related to development contravening planning control under the enactments repealed by that Act), being a notice which had not ceased for all purposes to have effect before the commencement of this Act.
- (2) The repeal by the Act of 1962 of the said section 75 shall not invalidate any enforcement notice to which this paragraph applies.
- (3) In relation to any such notice which was served before 29th August 1960 on the owner and occupier of the land to which it related—
 - (a) sections 45 to 49 of the Act of 1962 shall not apply ;
 - (b) sections 23 and 24 of the Act of 1947, as applied by section 75 of that Act, shall have effect as they would have had effect in relation to the notice if the Act of 1962 had not been passed; and
 - (c) section 50 of that Act shall not apply if the planning permission in question was granted before the said 29th August.

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- (4) In relation to any enforcement notice to which this paragraph applies, not being a notice falling with sub-paragraph (3) of this paragraph, section 45(3) and (5) and (subject to paragraphs 35 to 38 of this Schedule) sections 46 to 51 of the Act of 1962 shall have effect as they have effect in relation to an enforcement notice served under section 45 of that Act.
- 34 (1) In so far as an enforcement notice could, if the Act of 1962 and this Act had not been passed, have been served by virtue of section 75 of the Act of 1947 at a time on or after the date of the commencement of this Act, in respect of any works or use of land of a description to which that section applied, there shall subsist by virtue of this paragraph a corresponding power in the like circumstances to serve an enforcement notice (to the like effect as that which could have been so served) in respect of those works or that use of land.
- (2) Section 45(3) and (5) and (subject to paragraphs 35 to 38 of this Schedule) sections 46 to 51 of the Act of 1962 shall have effect in relation to an enforcement notice served by virtue of this paragraph as they have effect in relation to an enforcement notice served under section 45 of that Act.
- 35 (1) Where an enforcement notice falling within paragraph 33(4) of this Schedule, or an enforcement notice served by virtue of paragraph 34 of this Schedule, was or 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 to the following provisions of this paragraph—
- (a) if the steps required by the notice have been 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) where the steps required by the notice have been taken by that authority, the authority shall not be entitled, under section 48 of the Act of 1962, to recover the expenses incurred by them in that behalf.
- (2) Where under section 2(1)(b) 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, sub-paragraph (1) of this paragraph shall not apply.
- (3) Where compensation has been paid in respect of the land, being either compensation under the said section 2(1)(b) but not equal to the full cost (as so estimated) of taking those steps, or being compensation under section 3(4) of that Act, the amount which by virtue of sub-paragraph (1) of this paragraph 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.
- 36 In the application of section 46 of the Act of 1962 to an enforcement notice by virtue of paragraph 33 or 34 of this Schedule, subsection (1) of that section shall have effect as if for paragraphs (b) and (c) there were substituted the following paragraph—
- “(b) that the works or use to which the enforcement notice relates are not works or a use to which section 75 of the Act of 1947 applies ””
- 37 (1) The power of a local planning authority under Part III of this Act to grant planning permission for the retention on land of buildings or works constructed or carried out before the date of application, or for the continuance of a use of land instituted before that date, shall include power to grant such permission in respect of any buildings

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or other works, or use of land, in respect of which that authority are empowered to serve an enforcement notice by virtue of paragraph 34 of this Schedule.

- (2) Where permission is so granted, paragraphs 33 to 35 of this Schedule 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 Part V of this Act with respect to the contravention of conditions subject to which planning permission has been granted.
- 38 Where in pursuance of paragraph 89(3) of this Schedule permission is granted for the retention on land of works, or the continuance of a use, authorised as mentioned in the said paragraph 89(3), such of the provisions of paragraphs 33 to 37 of this Schedule as (apart from this paragraph) would be applicable thereto shall cease to apply to those works or that use, but without prejudice to the application thereto of any provisions of Part V of this Act with respect to the contravention of conditions subject to which planning permission has been granted.
- 39 The repeal by the Act of 1962 of section 75 of the Act of 1947 shall not affect the operation of any regulations made under subsection (8) of that section (which enabled provision to be made by regulations for applying the provisions of that section to contraventions, committed before the appointed day, of restrictions under enactments other than those relating to town and country planning) or of the provisions of that section as applied by any such regulations.

Enforcement of building preservation orders

- 40 The repeal by the Act of 1968 of section 30 of the Act of 1962 shall not prevent a council from taking such proceedings as could have been taken but for the repeal to enforce any building preservation order made under that section and for securing the restoration of a building to its former state; and in relation to any such proceedings the provisions of the order, and of any provisions of the Act of 1962 incorporated therein, shall continue to have the same effect as if the Act of 1968 had not been passed.

Enforcement of duties as to trees

- 41 Subsection (3) of section 103 of this Act shall have effect in relation to a notice served under that section before 1st April 1969 with the substitution for the words from " section 88(2) " to " directions " of the words " subsections (2) to (5) of section 46 of the Act of 1962 ".

PART VII

ACQUISITION OF LAND ETC.

Consent of Minister to acquisition, appropriation or disposal of land

- 42 Nothing in Part I of this Schedule shall be construed as validating any transaction whereby a local authority purported, in the exercise of a power conferred by an enactment repealed by the Act of 1962, but without the consent of the Minister then required by that enactment—
- (a) to acquire land by agreement in pursuance of a contract made before 16th August 1959 ; or
 - (b) to appropriate or dispose of land before that date,

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notwithstanding that the transaction could have been validly effected without that consent under the corresponding provisions of Part VI of this Act.

Existing compulsory purchase orders

- 43 (1) Sections 112 and 113 of this Act shall not apply, and (notwithstanding their repeal by the Act of 1968) sections 67 and 68 of the Act of 1962 shall continue to apply to any land the acquisition of which was, immediately before 1st April 1969, authorised by a compulsory purchase order made by a local authority or statutory undertakers or by a Minister, or was then proposed to be authorised by such an order which had not been confirmed by a Minister or, as the case may be, had been prepared in draft by a Minister, but with respect to which a notice had then been published in accordance with paragraph 3(1)(a) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946.
- (2) The validity of a compulsory purchase order made under section 67, 68 or 69 of the Act of 1962 shall not be affected by the repeal by the Act of 1968 of the section under which the order was made ; and a compulsory purchase order made (but not confirmed), or made in draft, before the repeal of that section took effect may be confirmed or made thereunder as if the Act of 1968 had not been passed.
- 44 In relation to a compulsory purchase order confirmed under Part I of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946, or made under Part II of that Schedule, before 1st January 1966, section 132(4) of this Act shall have effect—
- (a) with the substitution for the words " the Compulsory Purchase Act 1965 in relation to " of the words "the Lands Clauses Acts as incorporated (by virtue of paragraph 1 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946) with " ; and
 - (b) with the substitution in paragraph (b) for the words " section 10 of the said Act of 1965 to the acquiring authority " of the words "section 68 of the Lands Clauses Consolidation Act 1845, to the promoters of the underaking".
- 45 The repeals effected by the Act of 1962 shall not affect the validity of any order authorising the compulsory acquisition of any land—
- (a) under section 37(2) of the Act of 1947 (which enabled the Minister of Works or the Postmaster-General, during the period before a development plan had become operative with respect to any area, to be authorised in certain circumstances to acquire land compulsorily);
 - (b) under section 38(2) of that Act (which enabled certain local authorities, during any such period, to be authorised in certain circumstances to acquire land compulsorily); or
 - (c) under subsection (3) of section 38 of that Act in a case where the power conferred by that subsection was exercisable in lieu of the exercise of the power conferred by subsection (2) thereof,
- or of any notice served or other thing done in pursuance of any such order.
- 46 Any compulsory purchase order made or confirmed under Part I of the Act of 1944 (whether before or after the appointed day) shall, if in force immediately before the commencement of this Act, continue in force and shall have effect as if it had been made under the Acquisition of Land (Authorisation Procedure) Act 1946 as applied by Part VI of this Act.

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Application of Part VI to land acquired or authorized: to be acquired under previous enactments

- 47 The provisions of Part VI of this Act shall have effect in relation to land acquired, or authorised to be acquired, in pursuance of any such order as is mentioned in paragraph 45 of this Schedule as if—
- (a) in the case of land acquired, or authorised to be acquired, by a local authority, the land had been acquired, or authorised to be acquired, by that local authority under section 112 of this Act;
 - (b) in the case of land acquired, or authorised to be acquired, by a Minister, the land had been acquired, or authorised to be acquired, by that Minister under section 113 of this Act.
- 48 For the purposes of Part VI of this Act—
- (a) any land acquired by a local authority in pursuance of a compulsory purchase order under Part I of the Act of 1944 shall be deemed to have been acquired under section 112 of this Act;
 - (b) any land acquired by a Minister in pursuance of any such order shall be deemed to have been acquired by him under section 113 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 119 of this Act
- 49 The reference in subsection (1) of section 133 of this Act to the acquisition of land under section 68 or 71 of the Act of 1962 shall include a reference to the acquisition of land under section 38 or 40 of the Act of 1947 ; and the reference in that subsection to the appropriation of land for purposes for which land can be or could have been acquired under the provisions there mentioned is a reference to the appropriation of land for those purposes whether before or after the commencement of this Act.

Provisions as to Central Land Board

- 50 Section 127 of this Act shall have effect in relation to land acquired by the Central Land Board under section 43 of the Act of 1947 as it has effect in relation to land acquired by a local authority for planning purposes (as defined by section 133(1) of this Act).

Application of Small Tenements Recovery Act 1838

- 51 Until such day as may be appointed under section 35(5) of the Rent Act 1965, section 130 of this Act shall have effect as if it contained a provision corresponding to section 84(4) of the Act of 1962, the reference to Part V of that Act being construed as a reference to Part VI of this Act.

PART VIII

COMPENSATION UNDER PART VII OF THIS ACT

Compensation under Part V of Act of 1954

- 52 (1) Subject to the following provisions of this paragraph, for the purposes of the construction of sections 158 to 161 of this Act in accordance with Part I of this

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Schedule, any compensation (whether by way of principal or interest) under Part V of the Act of 1954, and any claim for, or notice registered in respect of, any such compensation, as well as any compensation under Part II of that Act, or any claim for, or notice registered in respect of, compensation under the said Part II, shall be treated as compensation or, as the case may be, a claim for, or a notice registered in respect of compensation, under provisions of that Act corresponding to those of Part VII of this Act.

- (2) For the purposes of the construction of section 158 of this Act in accordance with sub-paragraph (1) of this paragraph in relation to Part V of the Act of 1954, any reference to a planning decision shall be construed as including a reference to an order under section 21 of the Act of 1947.
- (3) Where compensation under Part V of the Act of 1954 became or becomes payable in respect of an order modifying planning permission, then (notwithstanding anything in the preceding provisions of this paragraph) the provisions of sections 159 and 161 of this Act shall not apply to development in accordance with that permission as modified by the order.

Provision excluding recovery of compensation

- 53 For the purposes of the construction, in accordance with Part I of this Schedule, of section 160(4) of this Act—
- (a) the provisions of section 52(6) of the /vet of 1954 as originally enacted; and
 - (b) those provisions as applied by any regulations made under section 52(8) of that Act,
- as well as the provisions of the said section 52(6) as amended by section 51 of the Act of 1959, shall be treated as provisions corresponding to those of section 257 of this Act.

PART IX

COMPENSATION UNDER PART VIII OF THIS ACT

Compensation to statutory undertakers

- 54 Subsection (3) of section 165 of this Act shall not apply where the refusal or grant of planning permission referred to in subsection (1)(c) of that section was before 6th December 1968.

Contribution by Secretary of State towards compensation

- 55 For the purposes of the construction of section 167(1) of this Act in accordance with Part I of this Schedule, any compensation which could have been claimed and would have been payable under Part V of the Act of 1954, as well as any compensation which could have been claimed and would have been payable under Part II of that Act, shall be treated as compensation which could have been claimed and would have been payable under provisions of that Act corresponding to the provisions of Part VII of this Act.

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Recovery of compensation

- 56 For the purposes of the construction of section 168(3) of this Act in accordance with Part I of this Schedule, any grant paid—
- (a) under the provisions of the section substituted by section 50 of the Act of 1954 for section 93 of the Act of 1947, but without the amendments made by the Local Government Act 1958 ; or
 - (b) under the provisions of Part IX of the Act of 1947 as originally enacted, as well as any grant paid under the provisions of the said section 93 as in force immediately before the commencement of the Act of 1962, shall be treated as a grant paid under provisions corresponding to those of Part XIII of this Act.

PART X

BLIGHT NOTICES

Notices served before 1st April 1969

- 57 In relation to a notice served under section 139 of the Act of 1962 before 1st April 1969, and to any hereditament or agricultural unit which is the subject of the notice, sections 194 to 207 of this Act shall, on and after that date, have effect as if they contained the provisions in sections 140 to 151 of the Act of 1962 without any of the amendments made by Part IV of the Act of 1968.

Temporary inclusion of additional description of blighted land

- 58 (1) For the purposes of the application of sections 192 to 207 of this Act to a district to which this paragraph applies—
- (a) the description of land contained in section 138(1)(b) of the Act of 1962 shall be included among the specified descriptions as defined in section 192(6) of this Act; and
 - (b) in sections 193(3) and 206(2) of this Act references to paragraph (b) of section 192(1) of this Act shall include references to the said section 138(1)(b).
- (2) This paragraph applies to any district for which no local plan is in force under Part II of this Act—
- (a) allocating any land in the district for the purposes of such functions as are mentioned in section 192(1)(a) of this Act; or
 - (b) defining any land in the district as the site of proposed development for the purposes of any such functions.

PART XI

HIGHWAYS

Provisions as to telegraphic lines

- 59 (1) In relation to an order made under section 153 of the Act of 1962 before 1st October 1969 or, as the case may be, an order under section 155 of that Act in respect of

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which the notice required by section 154 of that Act was published before that date, section 220(1), (2) and (3) of this Act shall have effect as if references to a telegraphic line belonging to or used by the Post Office were references to a telegraphic line belonging to or used by the Postmaster-General.

- (2) Where the period referred to in paragraph (a) of subsection (3) of section 220 of this Act began to run before, and was current on, the said date, that paragraph shall have effect as if the reference to notice having been given by the Post Office before the end of that period included a reference to notice having been so given by the Postmaster-General, and paragraph (c) of that subsection shall have effect as if the reference to the Post Office included a reference to the Postmaster-General.

PART XII

STATUTORY UNDERTAKERS

Application of ss.225 to 231 to matters arising before 6th December 1968

- 60 (1) This paragraph shall have effect as respects the application, by virtue of Part I of this Schedule/of the provisions of this Act hereinafter specified in relation to matters arising before 6th December 1968 (in this paragraph referred to as " the relevant date ").
- (2) In relation to any application for planning permission made before the relevant date or any appeal from the decision on an application so made, section 225 of this Act shall have effect as if it contained provisions corresponding to section 159(2) and (5) of the Act of 1962 and as if subsection (2)(b) were omitted.
- (3) In relation to any decision made before the relevant date, section 226 of this Act shall have effect as if it contained provisions corresponding to section 160(1) of the Act of 1962.
- (4) In relation to any order of which notice has been given under section 161(2) of the Act of 1962 before the relevant date, section 227 of this Act shall have effect as if it contained provisions corresponding to the said section 161(2).
- (5) In relation to any order of which notice has been given under section 162(2) of the Act of 1962 before the relevant date, section 228 of this Act shall have effect as if it contained provisions corresponding to the said section 162(2).
- (6) In relation to a compulsory purchase order made or confirmed before the relevant date, section 229 of this Act shall have effect as if it contained provisions corresponding to section 163(3)(d) of the Act of 1962.
- (7) In relation to any order made before the relevant date under section 164 of the Act of 1962, section 231 of this Act shall have effect as if it contained provisions corresponding to section 165(3) of the Act of 1962.

Extinguishment of rights: notices served before 6th December 1968

- 61 In relation to a notice served before 6th December 1968, section 230(1) of this Act shall have effect with the omission—
- (a) of the words from " if satisfied " to " appropriated " ; and
- (b) of the words from "of twenty-eight days" to "as may be"

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Application of section 230 to land acquired by Central Land Board

- 62 In section 230(1) of this Act, the reference to land acquired by a Minister, a local authority or statutory undertakers under Part VI of this Act shall be construed as including a reference to land acquired by the Central Land Board under Part IV of the Act of 1947, as well as to land acquired under the said Part IV by a Minister, a local authority or statutory undertakers.

Right to compensation for decisions made before 6th December 1968

- 63 In its application, by virtue of Part I of this Schedule, to a decision made before 6th December 1968, section 237 of this Act shall have effect as if for subsection (1)(a) there were substituted provisions corresponding to section 170(1)(a) and (b) of the Act of 1962 and as if subsection (5) contained a proviso, corresponding to that in section 170(3) of the Act of 1962.

Enactments applying section 25 of Act of 1944

- 64 (1) This paragraph shall have effect for the purposes of any enactment which applies the provisions of section 25 of the Act of 1944 with adaptations consisting of or including adaptations of the references in that section to a purchasing authority or to the purchasing or appropriating authority.
- (2) Any such enactment shall be construed (in accordance with Part I of this Schedule or section 38 of the Interpretation Act 1889) as applying the provisions of section 230- and section 237(2) of this Act with corresponding adaptations of the references in those provisions to a Minister, a local authority or statutory undertakers, or to the acquiring or appropriating authority, as the case may require.

PART XIII

VALIDITY OF PLANNING DECISIONS ETC.

Orders made and action taken before 16th August 1959

- 65 (1) Notwithstanding anything in Part I of this Schedule, the provisions of section 242 of this Act shall not have effect in relation to—
- (a) any order made before 16th August 1959 under any of the provisions of the Act of 1947 corresponding to the provisions of this Act under which the orders mentioned in subsection (2) of that section can be made ; or
 - (b) any action on the part of the Minister of Housing and Local Government taken before the said 16th August under any of the provisions of that Act or of the Act of 1954 corresponding to the provisions of this Act under which action of the descriptions mentioned in subsection (3) of that section can be taken,
- and section 245 does not apply to any such order or action as is mentioned in this sub-paragraph.
- (2) In relation to any action which, in accordance with any provisions of the Act of 1947 corresponding to provisions of Part XI of this Act, was required to be taken by the said Minister and the appropriate Minister, the reference in sub-paragraph (1) of this

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paragraph to the said Minister shall be construed as a reference to that Minister and the appropriate Minister.

- 66 Section 247 of this Act does not apply to any decision of the Minister of Housing and Local Government made before 16th August 1959 under any of the provisions of the Act of 1947 corresponding to the provisions of this Act mentioned in subsection (2) of that section.

Notices relating to waste land and listed buildings

- 67 (1) Section 243(3) of this Act does not apply to any notice served before 29th August 1960 under section 33(1) of the Act of 1947.
- (2) Notwithstanding anything in this Act or the Act of 1968, section 177(3) of the Act of 1962 shall continue to have effect as originally enacted in relation to a notice served (or treated as served) under section 52 of the Act of 1962 on or after 29th August 1960 and before 1st January 1969.

Directions under Part V of Act of 1954

- 68 For the purposes of the construction, in accordance with Part I of this Schedule, of section 242(3)(c) of this Act (but without prejudice to paragraph 65(1) of this Schedule) any directions given on or after 16th August 1959 by the Minister of Housing and Local Government under section 45(3) or (4) of the Act of 1954, as well as any direction given by the Minister on or after that day under section 23 of that Act, shall be treated as a direction given under provisions of that Act corresponding to the provisions of section 38 of this Act.

PART XIV

FINANCIAL PROVISIONS

Grants

- 69 Nothing in this Act shall affect the payment (whether before or after the commencement of this Act) of any grant in respect of any period before the commencement of this Act.
- 70 Section 250 of this Act does not apply to any year earlier than the year ending on 31st March 1968.

Recovery of sums from acquiring authorities

- 71 (1) In relation to any acquisition or sale of an interest in land in pursuance of a notice to treat served, or contract made, before 30th October 1958—
- (a) Section 257 of this Act shall not apply ;
 - (b) the repeals effected by the Act of 1962 shall not affect any right of recovering any sum in respect thereof under the provisions of section 52(6) of the Act of 1954 as originally enacted, or under those provisions as applied by regulations made under section 52(8) of that Act.
- (2) Subject to sub-paragraph (1) of this paragraph, section 257 of this Act shall have effect in relation to interests in land acquired or sold as therein mentioned

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whether before or after the commencement of this Act; and for the purposes of the construction of that section in accordance with Part I of this Schedule, any notice registered under the provisions of section 28 of the Act of 1954 as applied by Part V of that Act, as well as any notice registered under those provisions as applied by Part IV of that Act, shall be treated as a notice registered under provisions of that Act corresponding to the provisions of this Act referred to in section 257 of this Act, and references in that section to compensation specified in a notice shall be construed accordingly.

- 72 Section 258 of this Act shall have effect in relation to interests in land acquired or sold as therein mentioned whether before or after the commencement of this Act, except that it shall not have effect in relation to any acquisition or sale in pursuance of a notice to treat served, or contract made, before 6th August 1947.

Treatment of sums received under section 261(4) before 1st April 1968

- 73 Any sums received by the Minister of Housing and Local Government before 1st April 1968 by virtue of the provisions re-enacted in the provisions mentioned in section 261(4) of this Act shall be treated as paid in satisfaction, or part satisfaction, of such one or more of the instalments payable under subsections (2) and (3) of that section as the Treasury may determine.

PART XV

SPECIAL CASES

Minerals

- 74 The revocation by paragraph 43(1) of Schedule 14 to the Act of 1962 of Regulation 6 of the Town and Country Planning (Modification of Mines Act) Regulations 1948 (being regulations made under the provisions of the Act of 1947 corresponding to section 265 of this Act) does not affect the operation of any of the other provisions of those regulations in accordance with Part I of this Schedule.
- 75 (1) Regulation 10 of the Town and Country Planning (Minerals) Regulations 1954, and section 79 of the Act of 1947 as applied by that regulation, shall (notwithstanding the repeals effected by the Act of 1962) have effect after the date of the commencement of this Act in any case where they would have had effect after that date if the Act of 1962 had not been passed.
- (2) The said Regulation 10, in so far as it has effect in accordance with sub-paragraph (1) of this paragraph, may be revoked or varied by regulations made under section 264 of this Act as if it were a regulation made under that section.
- (3) In this paragraph any reference to the said Regulation 10 is a reference to that regulation as varied by any subsequent regulations.
- 76 In relation to any time before 10th April 1966; section 265 of this Act shall have effect as if for references to the Mines (Working Facilities and Support) Act 1966 there were substituted references to the Mines (Working Facilities and Support) Act 1923 ; and accordingly regulations made before that date which are in force at the commencement of this Act under section 198 of the Act of 1962, shall have effect as if made under the said section 265 and as if, in relation to any time on or after

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the said 10th April, references in them to the said Act of 1923 were references to the corresponding provisions of the said Act of 1966.

National Coal Board

- 77 Until the coming into operation of the first regulations made under section 204 of the Act of 1962 or section 273 of this Act after 6th December 1968 the provisions of Part X of the Act of 1962 applied by regulations under section 204(1) of the Act of 1962 in relation to the National Coal Board and land of that Board shall have effect as so applied as if Part XI of this Act contained provisions corresponding to Part X of the Act of 1962 without the amendments made by sections 69 to 71 of the Act of 1968.

Ecclesiastical property, settled land and land of universities and colleges

- 78 For the purposes of the construction of sections 274 and 275 of this Act in accordance with Part I of this Schedule, the provisions of section 46 of the Act of 1954, as well as the provisions of section 41 of that Act, shall be treated as provisions corresponding to those of section 168 of this Act.

PART XVI

MISCELLANEOUS AND SUPPLEMENTARY

Rights and liabilities in respect of certain payments

- 79 (1) The repeal effected by section 223 of the Act of 1962 shall not affect any right to, or claim for, or any liability in respect of, any payment under an enactment to which this paragraph applies ; and any such right, claim or liability shall have effect and may be enforced, and moneys in respect of any such payment shall be applicable or may be raised, in accordance with the provisions of the enactment in question (including the provisions of any other enactment which, immediately before the commencement of that Act, had effect for the purposes of that enactment) as if the Act of 1962 and this Act had not been passed, and any direction or proceedings relating thereto may be given, brought or continued accordingly.
- (2) This paragraph applies to the following enactments, that is to say—
- (a) Parts I and V of the Act of 1954 ;
 - (b) section 52(1) to (5) of that Act;
 - (c) the scheme made under section 59 of the Act of 1947 ;
 - (d) any other enactment which (if contained in an Act) was not repealed by, and re-enacted (with or without modifications) in the Act of 1962 or (if not contained in an Act) has effect otherwise than by virtue of an enactment so repealed and re-enacted.
- (3) Without prejudice to the preceding provisions of this paragraph, any proceedings relating to any such claim as is mentioned in section 135(1) of this Act may be brought or continued, and shall be determined in accordance with the relevant provisions (that is to say, the provisions of the Act of 1947 and of Schedule 1 to the Act of 1954 and any other enactment having effect for the purposes thereof) as if the Act of 1962 and this Act had not been passed.

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- (4) Sub-paragraph (1) of this paragraph shall have effect in relation to any such right, claim or liability as is therein mentioned notwithstanding that, immediately before the commencement of this Act, the right, claim or liability had not yet accrued or been made or become enforceable, as the case may be:

Provided that, in relation to any such claim which had not been made before the commencement of this Act, so much of that sub-paragraph as provides that the claim shall have effect in accordance with the provisions therein mentioned shall be construed as providing that the claim may be made in accordance With those provisions, and, when made, shall have effect accordingly.

Registration of payments under s. 59 of Act of 1954

- 80 (1) The repeals effected by the Act of 1962 shall not affect the operation of subsections (1) and (2) of section 57 of the Act of 1954, in so far as those subsections would have continued to have effect if the Act of 1962 had not been passed.
- (2) In subsection (1) of the said section 57, the references to subsection (7) of section 52 of that Act and to paragraph (b) of the proviso to that subsection shall be construed as including references respectively to subsection (1) and to subsection (2) of section 258 of this Act.

Entitlement to, and amount of, compensation etc. in cases arising before 25th February 1963

- 81 Notwithstanding Part I of this Schedule, the following provisions of this Act, that is to say, sections 168(4), 169(3)(c) and (6), in section 180(2) the words "or which would contravene the condition set out in Schedule 18 to this Act", section 180(3), section 278(1) to (4), paragraph 13 of Schedule 8 and Schedule 18 do not affect—
- (a) any determination arising out of a notice to treat served before 25th February 1963, or served at any time in respect of a purchase notice or notice under section 139 of the Act of 1962 (or any corresponding enactment previously in force) which was served before that date ;
 - (b) any other determination under the Act of 1962 in respect of or arising out of a purchase notice served before that date;
 - (c) any claim for compensation under section 118 or 123 of the Act of 1962 (or any corresponding enactment previously in force) which arose before that date.

Definition of "local authority"

- 82 (1) In relation to any time before 1st April 1965 the definition of " local authority " in section 290(1) of this Act shall have effect—
- (a) as if it included a reference to a metropolitan borough; and
 - (b) as if for the words "the Greater London Council, the council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are " there were substituted the words " and any other authority being " .
- (2) For the purposes of the construction, in accordance with Part I of this Schedule, of any enactment which incorporates the definition of "local authority" in the Act of 1947, section 215 and the reference to it in section 290(1) of this Act shall be disregarded.

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Saving for powers of Post Office

- 83 Except as provided by section 220 of this Act, nothing in the provisions of this Act specified in Part I of Schedule 21 to this Act or in any order or regulations made thereunder shall affect any powers or duties of the Post Office under the provisions of the Telegraph Acts 1863 to 1916 or apply to any telegraphic lines (within the meaning of the Telegraph Act 1878) placed or maintained by virtue of any of the provisions of those Acts.

Saving in respect of works below high-water mark

- 84 Nothing in the provisions of this Act specified in Part I of Schedule 21 to this Act shall authorise the execution of any works (whether of construction, demolition or alteration) on, over or under tidal lands below high-water of ordinary spring tides, except—
- (a) with the consent of any persons whose consent would have been required if the Act of 1962 had not been passed ; and
 - (b) in accordance with such plans and sections, and subject to such restrictions and conditions, as may be approved by the Board of Trade or the Secretary of State before the works are begun.

Land Compensation Act 1961 s. 31

- 85 Any reference in this Act to the power conferred by section 31 of the Land Compensation Act 1961 to withdraw a notice to treat shall, in relation to any notice to treat falling within section 41 of that Act, be construed as a reference to the corresponding power conferred by section 5(2) of the Acquisition of Land (Assessment of Compensation) Act 1919.

References to Ministers: previous Transfer of Functions Orders

- 86 (1) Where the functions of a Minister under any enactment re-enacted or referred to in this Act have at any time been exercisable by another Minister or other Ministers, references in the relevant provision of this Act shall, as respects any such time, be construed as references to the other Minister or Ministers.
- (2) In this paragraph " Minister" includes the Board of Trade and the Treasury.

Schemes and agreements under enactments repealed by Act of 1941

- 87 (1) The repeal effected by the Act of 1962 shall not affect the operation of—
- (a) any such scheme as was mentioned in paragraph 7 of Schedule 10 to the Act of 1947 (which related to certain schemes made under the Town and Country Planning Act 1932 and the Town Planning Act 1925) in so far as, by virtue of that paragraph, the scheme continued to have effect immediately before the commencement of this Act; or
 - (b) any order made under that paragraph (which empowered the Minister to make provision by order for winding up any such scheme) in so far as the order continued to have effect immediately before the commencement of this Act.
- (2) Any power to make orders under paragraph 7 of that Schedule shall continue to be exercisable notwithstanding the said repeal.

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- 88 (1) The repeal effected by the Act of 1962 shall not affect the operation of any such agreement as was mentioned in paragraph 10 of Schedule 10 to the Act of 1947 (which related to certain agreements made before the appointed day for restricting the planning, development or use of land), or of any order discharging or modifying a restriction imposed by such an agreement, in so far as any such agreement or order was in force immediately before the commencement of this Act; and any such agreement may be enforced as if the Act of 1962 and this Act had not been passed.
- (2) Nothing in any such agreement shall be construed as restricting the exercise, in relation to land to which the 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 Secretary of State by virtue of paragraph 6 of Schedule 6 to this Act, or as requiring the exercise of any such powers otherwise than in accordance with such provisions or directions.
- (3) If the Secretary of State 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.
- (4) Without prejudice to sub-paragraph (3) of this paragraph, if any person being a party to any such agreement (whether as originally made or as modified under that sub-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 to anything done under this Act or under the Act of 1947 or the Act of 1962, 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.

Development authorised under enactments repealed by Act of 1947

- 89 (1) Where any works on land existing at the appointed day, or any use to which land was put on that day, had been authorised by a permission granted subject to conditions under a scheme under the Town and Country Planning Act 1932 (or under an enactment repealed by that Act) or under an order made under section 10(1) of that Act (in the subsequent provisions of this Schedule referred to as "a planning scheme" and "an interim development order") the provisions of Parts III and V of this Act, the provisions of Part IX of this Act relating to purchase notices, and the provisions of sections 225 to 228 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.
- (2) Without prejudice to the generality of sub-paragraph (1) of this paragraph, where any such permission was granted subject to conditions (in whatever form) restricting the period for which the works or use might be continued on the land, then, if that period had not expired at the appointed day and the works were or are not removed, or the use discontinued, at the end of that period, the provisions of Part V of this Act relating 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 end of that period and without the grant of planning permission in that behalf.

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- (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 sub-paragraph (2) of this paragraph.
- (4) Where at any time before the appointed day it was determined under the Building Restrictions (War-Time Contraventions) Act 1946 that any works on land or any use of land should 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 paragraph shall apply in relation to those works or that use as if those conditions had been imposed on the grant of permission under a planning scheme or an interim development order.
- (5) Provision may be made by regulations under this Act for applying the preceding provisions of this paragraph, 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 the Act of 1947, 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 was served under subsection (1) of section 1 of the Restriction of Ribbon Development (Temporary Development) Act 1943 or was 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 might be continued on the land.
- 90 (1) Where permission for any development of land was granted, at any time after 21st July 1943 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 was not carried out before the appointed day and the permission was in force immediately before that day, planning permission shall be deemed to have been granted in respect thereof subject to the like conditions (if any) as were imposed by the permission under the interim development order as it had effect immediately before the appointed day;
- Provided that this sub-paragraph 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 was also granted.
- (2) The provisions of section 45 of this Act shall apply in relation to planning permission which is deemed to have been granted by virtue of this paragraph as if it had been granted on an application 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 section 164(3) 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.
- (3) Where permission for any development of land was granted as mentioned in sub-paragraph (1) of this paragraph, and permission for that development was also 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 paragraph as conditions imposed by the permission granted under the interim development order.

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- 91 (1) Where any works for the erection or alteration of a building had been begun but not completed before the appointed day, then if—
- (a) 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 order; and
 - (b) where any permission was required under the Restriction of Ribbon Development Act 1935 for the carrying out of those works, that permission was granted,
- planning permission shall be deemed to have been granted in respect of the completion of those works.
- (2) The planning permission deemed to have been granted by virtue of this paragraph shall be deemed to have been so granted subject to any conditions applicable thereto 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 (if any) 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, was designed.
- (3) In relation to any such works as are mentioned in sub-paragraph (1) of this paragraph, being works in respect of which permission was granted after 21st July 1943, on an application in that behalf made under an interim development order, the provisions of this paragraph shall have effect in substitution for the provisions of paragraph 90 of this Schedule.
- 92 (1) Any reference in Part VII of this Act, or in Schedule 15 thereto, to a planning decision shall, where the context so admits, include a reference to any decision deemed to have been made by virtue of the provisions of paragraph 90 or paragraph 91 of this Schedule.
- (2) Sub-paragraph (1) of this paragraph shall have effect without prejudice to the provisions of Part I of this Schedule.

Appeals to the Crown Court

- 93 As respects any time before the coming into force of section 3 of the Courts Act 1971, sections 106, 114(7) and 117(6) of this Act shall have effect as if for references to the Crown Court there were substituted references to a court of quarter sessions.

Supplementary

- 94 (1) Where in this Act (including this Schedule except Part I thereof) express provision is made in respect of any matter, the provisions of Part I of this Schedule, in so far as they are applicable to that matter, shall have effect subject to that express provision.
- (2) Except as provided by sub-paragraph (1) of this paragraph, the mention in any provisions of this Act (including this Schedule except Part I thereof) of any matter

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to which Part I of this Schedule is applicable shall not be construed as affecting the generality of the provisions of Part I of this Schedule.

SCHEDULE 25

Section 292.

REPEALS

Chapter	Short Title	Extent of repeal
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 1, in Part II, the words "A Planning Inquiry Commission constituted under Part VI of the Town and Country Planning Act 1968. "
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	The whole Act except sections 222,224 and 226 and Schedule 12.
1963 c. 17.	The Town and Country Planning Act 1963.	Section 1. Section 3. Section 4(1) to (3). The Schedule.
1963 c. 29.	The Local Authorities (Land) Act 1963.	Section 12(2).
1963 c. 33.	The London Government Act 1963.	Sections 24 to 29.
1963 c. 38.	The Water Resources Act 1963.	In section 71(5) the words " and in the Town and Country Planning Act 1962 ".
1964 c. 51.	The Universities and College Estates Act 1964.	In Schedule 3, in Part II, the entry relating to the Town and Country Planning Act 1962.
1965 c. 33.	The Control of Office and Industrial Development Act 1965.	Sections 1 to 16. Sections 18 to 20. Section 22(1). Sections 23 and 24. Section 25(1) to (4). In section 26(2), the words from the beginning to " 1962 to 1965; and". Schedules 1 to 3.

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Chapter	Short Title	Extent of repeal
1965 c. 56.	The Compulsory Purchase Act 1965.	In Schedule 6, the entry relating to the Town and Country Planning Act 1962. In Schedule 7, the entry relating to the Town and Country Planning Act 1962.
1966 c. 4.	The Mines (Working Facilities and Support) Act 1966.	In Schedule 2, paragraph 3.
1966 c. 34.	The Industrial Development Act 1966.	Part III. In section 31(3) the words from " together with the Town and Country Planning Acts 1962 to 1965 " to " 1962 to 1966 and In Schedule 3, in Part III, the entry relating to the Town and Country Planning Act 1962.
1966 c. 42.	The Local Government Act 1966.	Section 7.
1967 c. 69.	The Civic Amenities Act 1967.	Section 1. Section 3. Section 6. Section 8. Section 11. Part II except section 15(2). In section 28(1), paragraph (a) and, in paragraph (c), the words " section 6, section 14 In section 30(1) the definition of " the Planning Act of 1968 ".
1968 c. 13.	The National Loans Act 1968.	Section 11.
1968 c. 23.	The Rent Act 1968.	In Schedule 15, the entry relating to the Town and Country Planning Act 1962.
1968 c. 41.	The Countryside Act 1968.	Sections 25 and 26.
1968 c. 72.	The Town and Country Planning Act 1968.	Sections 1 to 26.

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Chapter	Short Title	Extent of repeal
		Section 27 except paragraph (b). Sections 28 and 29. Sections 32 to 38. Sections 40 to 57. Sections 60 to 87. Sections 90 to 98. Sections 100 to 102. Section 103(a). In section 104(1), the definition of " the Greater London development plan and subsections (2) and (4). Section 108. Section 109(2). Schedules 1 and 2. Schedules 4 to 8. Schedule 9 except paragraphs 9, 10, 68 and 75. Schedule 10 except paragraphs 13 and 14. Schedule 11.
1969 c. 33.	The Housing Act 1969.	Section 34.
1969 c. 48.	The Post Office Act 1969.	In Schedule 4, paragraphs 71 and 89(3).
1970 c. 43.	The Trees Act 1970.	Section 1.
1970 c. 57.	The Town and Country Planning Regulations (London) (Indemnity) Act 1970.	Section 2.
1971 c. 18.	The Land commission (Dissolution) Act 1971.	In Schedule 2, Paragraph 1.
1971 c. 23.	The Courts Act 1971.	In Schedule 9, the entries relating to the Town and Country Planning Act 1962 and the Town and Country Planning Act 1968.
1971 c. 41.	The Highways Act 1971.	Section 50. Section 77.

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Chapter	Short Title	Extent of repeal
1971 c. 62.	The Tribunals and Inquiries Act 1971.	Section 78(2). Schedule 7. In Schedule 3, the entries relating to the Town and Country Planning Act 1962 and the Town and Country Planning Act 1968.
1971 c. 75.	The Civil Aviation Act 1971.	In Schedule 5, paragraph 8(3).