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Town and Country Planning (Amendment) Act 1972

CHAPTER 42

ARRANGEMENT OF SECTIONS

Amendments of enactments relating to development plans in England and Wales

Section

1. Provision for joint surveys, reports and structure plans.
2. Provision for withdrawal of structure plans, and as to effect of steps taken in connection with plans withdrawn or not submitted.
3. Amendment of provisions relating to approval of structure plans and local plans etc. by Secretary of State.
4. Amendments as respects planning for London.

Amendments as respects control of office development in England and Wales

5. Continuance in force of provisions relating to control of office development.
6. Effect on conditional planning permission of land ceasing to be within controlled area.

Service of building preservation notices

7. Service of building preservation notices in cases of urgency.

Conservation areas

8. Control of demolition in conservation areas in England and Wales.
9. Control of demolition in conservation areas in Scotland.
10. Grants and loans for preservation or enhancement of character or appearance of conservation areas.

Supplementary

11. Expenses.
12. Short title, citation, commencement and extent.

SCHEDULES:

Schedule 1—Replacement for Schedule 4 to Act of 1971.

Schedule 2—Provisions as to control of demolition in conservation areas in England and Wales.

Schedule 3—Provisions as to control of demolition in conservation areas in Scotland.

ELIZABETH II



Town and Country Planning (Amendment) Act 1972

1972 CHAPTER 42

An Act to amend certain enactments relating to development plans, to extend the duration of and otherwise amend certain enactments relating to the control of office development, to make further provision for the service of building preservation notices and for controlling the demolition of buildings in conservation areas, and provision for the making of grants and loans in connection with the preservation or enhancement of the character or appearance of such areas, and for purposes connected with the matters aforesaid.
[27th July 1972]

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

*Amendments of enactments relating to development plans
in England and Wales*

1.—(1) The following provision shall be inserted in the **Town and Country Planning Act 1971** (hereafter referred to as **“the Act of 1971”**) after section 10:—

“Joint surveys, reports and plans.

10A—(1) Any two or more local planning authorities may apply to the Secretary of State for his consent to their areas or any part thereof being treated for the purposes of this Part of this Act as a combined area; and if the Secretary of State gives his consent, the authorities concerned—

Provision for joint surveys, reports and structure plans.
1971 c. 78.

- (a) may institute a joint survey of the combined area under section 6 of this Act,
- (b) may jointly prepare and send to the Secretary of State under section 7 of this Act a report of that survey, or a report of separate surveys instituted by them under the said section 6 so far as concerning matters which would (by virtue of subsection (2) of this section) fall to be examined on a survey of the combined area,
- (c) may jointly prepare and submit to the Secretary of State under the said section 7 a structure plan for the combined area.

(2) In relation to a survey of a combined area, references in subsection (3) of section 6 of this Act to the area of a local planning authority shall be read as references to the combined area, with references to neighbouring areas construed accordingly, and where such a survey has been carried out, each of the authorities concerned shall be treated as having satisfied their duty under subsection (1) of that section (so far as not previously satisfied) in relation to so much of their area as is in the combined area; and in relation to a survey under the said subsection (1) of the area of a local planning authority or any part thereof except so far as included in any combined area for which a joint survey is carried out, references in the said subsection (3) to the area or part shall be read as references to the area to which that survey relates, with references to neighbouring areas construed accordingly.

(3) In relation to a structure plan for a combined area—

- (a) in subsections (3) to (6) of section 7 of this Act, references to a local planning authority and the area of a local planning authority shall be read as references respectively to the local planning authorities concerned and the combined area, with the reference in subsection (3)(b) to neighbouring areas construed accordingly, but this paragraph shall not be taken as empowering the authorities concerned to indicate as an action area any part of the

- combined area other than a part comprised wholly within one or other of their areas,
- (b) subsection (1) of section 8 of this Act shall be taken as requiring—
- (i) the taking by all or any of the authorities concerned of steps to secure the purposes of paragraphs (a) to (c) of that subsection, with paragraph (a) read as referring to the combined area and paragraph (b) as referring to the making of representations to any of the authorities, and
 - (ii) the consideration of representations made to any of the authorities either by that authority or by that authority jointly with all or any of the others,
- (c) subsection (2) of the said section 8 shall apply to each of the authorities concerned, and
- (d) elsewhere in the said section 8 references to a local planning authority shall be read as references to the local planning authorities concerned.

(4) Where a structure plan for a combined area has been approved by the Secretary of State, each of the authorities concerned shall be treated as having satisfied their duty under section 7(1) of this Act in relation to so much of their area as is in the combined area.

(5) The reference in subsection (1) of section 10 of this Act to a structure plan for the area of a local planning authority shall include a reference to a structure plan for a combined area; and in its application by virtue of this subsection to a structure plan for a combined area, the said section 10 shall have effect—

- (a) as if references therein to a local planning authority were references to any of the local planning authorities concerned or all of those authorities acting jointly, but so that no direction may be given under that section for the submission of joint proposals, and no single authority may submit or be directed to submit proposals relating to any

part of the combined area outside their area, and

- (b) as if the reference in subsection (2) thereof to section 8 of this Act included a reference to that section as it applies in relation to such a plan.”

(2) In consequence of the amendment made by subsection (1) above, section 11 of the Act of 1971 (preparation of local plans for parts of planning areas for which structure plans have been approved or prepared, or are in course of being prepared) shall be amended by adding the following subsection at the end:—

“(12) A local planning authority whose area or any part thereof is included in a combined area by virtue of section 10A of this Act shall not be required under subsection (7) of this section to prepare a local plan for any part of the combined area which is outside their area.”

Provision for withdrawal of structure plans, and as to effect of steps taken in connection with plans withdrawn or not submitted.

2. The following provision shall be inserted in the Act of 1971 after that inserted by section 1(1) above—

“Withdrawal of plans, and effect of steps taken in connection with plans withdrawn or not submitted.

10B.—(1) A structure plan submitted to the Secretary of State for his approval may be withdrawn by the local planning authority, or the local planning authorities or any of them, submitting it by a notice in that behalf given to the Secretary of State at any time before he has approved it, and shall in that event be treated as never having been submitted.

(2) On the withdrawal of a structure plan, the authority or authorities preparing it shall also withdraw the copies of the plan which they have made available for inspection in accordance with section 8(2) of this Act, and shall give notice that the plan has been withdrawn to every person who has made an objection thereto.

(3) In determining the steps to be taken by them to secure the purposes of paragraphs (a) to (c) of section 8(1) of this Act, the local planning authority or authorities preparing a structure plan for any area may take into account any steps taken to secure those purposes in connection with any other structure plan, being one which either was not submitted to the Secretary of State for his approval or was so submitted and then withdrawn; and the authority or authorities submitting for approval by the Secretary of State a plan in the case of which they have taken any steps into account by virtue of this subsection shall give particulars of those steps

in their statement to him under subsection (3) of the said section 8, and the Secretary of State may treat the steps as having been taken by them in connection with that plan in determining under subsection (4) of that section whether he is satisfied that the said purposes have been adequately achieved in relation thereto.”

3.—(1) The following subsections shall be substituted for subsections (3) and (4) of section 9 of the Act of 1971 (which specify the duties and powers of the Secretary of State in considering any structure plan submitted for his approval and, in particular, require him to consider any objections to the plan and to afford a hearing to the persons making them)—

Amendment of provisions relating to approval of structure plans and local plans etc. by Secretary of State.

“ (3) Where on taking any such plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—

(a) consider any objections to the plan, so far as they are made in accordance with regulations under this Part of this Act, and

(b) cause a person or persons appointed by him for the purpose to hold an examination in public of such matters affecting his consideration of the plan as he considers ought to be so examined.

(4) The Secretary of State may after consultation with the Lord Chancellor make regulations with respect to the procedure to be followed at any examination under subsection (3) of this section.

(5) The Secretary of State shall not be required to secure to any local planning authority or other person a right to be heard at any examination under the said subsection (3), and the bodies and persons who may take part therein shall be such only as he may, whether before or during the course of the examination, in his discretion invite to do so:

Provided that the person or persons holding the examination shall have power, exercisable either before or during the course of the examination, to invite additional bodies or persons to take part therein if it appears to him or them desirable to do so.

(6) An examination under subsection (3)(b) of this section shall constitute a statutory inquiry for the purposes of section 1(1)(c) of the Tribunals and Inquiries Act 1971, 1971 c. 62. but shall not constitute such an inquiry for any other purpose of that Act.

(7) On considering a structure plan the Secretary of State may consult with, or consider the views of, any local planning authority or other person, but shall not be under any obligation to do so.

(8) On exercising his powers under subsection (1) of this section in relation to any structure plan, the Secretary of State shall give such statement as he considers appropriate of the reasons governing his decision."

(2) For the purpose of preserving the existing law in relation to local plans, the following subsection shall be substituted for subsection (4) of section 14 of the Act of 1971 (which, amongst other things, applies section 9 of that Act with modifications where the Secretary of State has directed that a local plan shall not have effect unless approved by him)—

"(4) Where the Secretary of State gives a direction under subsection (3) of this section, the local planning authority shall submit the plan accordingly to him for his approval, and

(a) the Secretary of State may, after considering the plan, either approve it (in whole or in part and with or without modifications or reservations) or reject it ;

(b) in considering the plan, the Secretary of State may take into account any matters which he thinks are relevant, whether or not they were taken into account in the plan as submitted to him ;

(c) subject to paragraph (d) of this subsection, where on taking the plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—

(i) consider any objections to the plan, so far as they are made in accordance with regulations under this Part of this Act ;

(ii) afford to any persons whose objections so made are not withdrawn an opportunity of appearing before, and being heard by, a person appointed by him for the purpose ; and

(iii) if a local inquiry or other hearing is held, also afford the like opportunity to the authority and such other persons as he thinks fit ;

- (d) before deciding whether or not to approve the plan the Secretary of State shall not be obliged to consider any objections thereto if objections thereto have been considered by the authority, or to cause an inquiry or other hearing to be held into the plan if any such inquiry or hearing has already been held at the instance of the authority ;
- (e) without prejudice to paragraph (c) of this subsection, on considering the plan the Secretary of State may consult with, or consider the views of, any local planning authority or other persons, but shall not be under an obligation to consult with, or consider the views of, any other authority or persons or, except as provided by that paragraph, to afford an opportunity for the making of any objections or other representations, or to cause any local inquiry or other hearing to be held ; and
- (f) after the giving of the direction the authority shall have no further power or duty to hold a local inquiry or other hearing under section 13 of this Act in connection with the plan.”

(3) In consequence of subsection (2) above, in section 15(3) of the Act of 1971 the words from “but as if” to the end are hereby repealed.

4.—(1) For section 19 of the Act of 1971 there shall be substituted the following section :—

“Applica-
tion of
Part II to
Greater
London.

19. Schedule 4 to this Act shall have effect with respect to surveys, joint surveys, action areas, local plans and joint local plans in and around Greater London and generally with respect to the operation for London of Part II of this Act.”;

Amendments
as respects
planning for
London.

and for Schedule 4 to the Act there shall be substituted the new Schedule 4 set out in Schedule 1 to this Act.

(2) In section 20(2) of the Act of 1971 (provisions as to what is to constitute the development plan for a London borough), the following shall be substituted for paragraphs (a) and (b)—

- “ (a) the provisions of the Greater London development plan as in force for the time being, together with the notices given from time to time by the Secretary of State indicating his approval of any feature or element of the plan ;
- (b) any alterations to that plan, together with the Secretary of State’s notices of approval thereof ;”.

*Amendments as respects control of office development
in England and Wales*

Continuance
in force of
provisions
relating to
control of
office
development.

5.—(1) The following provision shall be substituted for subsection (1) of section 86 of the Act of 1971 (under which the enactments relating to the control of office development in England and Wales are to cease to have effect at the end of the period of seven years beginning with 5th August 1965):—

“(1) These provisions (other than this section) shall cease to have effect at the end of the period of twelve years beginning with 5th August 1965, or, if Her Majesty by Order in Council so provides, on such earlier date as is specified in the Order; and if these provisions cease to have effect on a date specified as aforesaid, references therein to the end of the said period of twelve years shall be read as references to that date”.

(2) In consequence of the amendment made by subsection (1) above, Schedule 24 to the Act of 1971 (paragraph 19 of which has the effect that certain planning permissions granted before 1st April 1969 are to be taken as conditional upon the development to which they relate having been begun before the expiration of five years from that date, and paragraph 20 of which makes similar provision with respect to outline planning permissions) shall be amended by inserting the following paragraph after the said paragraph 20 (so that no account is taken of periods during which permissions granted before 5th August 1965 are treated as ineffective by reason of the enactments relating to office development)—

“20A. The conditions referred to in paragraphs 19 and 20 of this Schedule shall be treated as providing that, in calculating any of the periods therein specified, no account shall be taken of any period after 1st April 1969 during which, by reason of paragraph 1(4)(a) of Schedule 12 to this Act, any planning permission to which they relate is deemed not to have effect.”

Effect on
conditional
planning
permission
of land
ceasing to
be within
controlled
area.

6.—(1) Section 82 of the Act of 1971 (provisions as to conditions imposed under or implied by the enactments relating to office development) shall be amended by adding the following subsection after subsection (5):—

“(6) Where any land ceases to be within an area to which these provisions apply by virtue of an order made by the Secretary of State under section 74(4) of this Act (including an order so made by virtue of section 287(3) of this Act) any planning permission relating to the land and having

effect immediately before that time subject to a condition to which this section applies shall have effect as from that time free from the condition unless it is one which is the subject of a certificate under subsection (3) of this section."

(2) Where any land has ceased to be within an area to which Part I of the Control of Office and Industrial Development Act 1965 applies by virtue of an order made under the said Part I before the passing of this Act, any planning permission relating to the land and having effect immediately before the coming into operation of the order subject to a condition to which section 8 of the said Act of 1965 applies shall have effect as from the passing of this Act free from the condition unless it is one which is the subject of a certificate under subsection (3) of that section. 1965 c. 33.

Service of building preservation notices

7.—(1) Section 58 of the Act of 1971 shall be amended by adding at the end the following subsection:— Service of building preservation notices in cases of urgency.

“(6) If it appears to the local planning authority to be urgent that a building preservation notice should come into force, they may, instead of serving the notice on the owner and occupier of the building to which it relates, affix the notice conspicuously to some object on the building; and this shall be treated for all the purposes of this section and of Schedule 11 to this Act as service of the said notice, in relation to which subsection (1)(b) of this section shall be taken to include a reference to this subsection.”

(2) Section 48 of the Town and Country Planning (Scotland) Act 1969 shall be amended by adding at the end the following subsection:— 1969 c. 30.

“(6) If it appears to the local planning authority to be urgent that a building preservation notice should come into force, they may, instead of serving the notice on the owner, lessee and occupier of the building to which it relates, affix the notice conspicuously to some object on the building; and this shall be treated for all the purposes of this section and of Schedule 4 to this Act as service of the said notice, in relation to which subsection (1)(b) of this section shall be taken to include a reference to this subsection.”

Conservation areas

8.—(1) This section applies to all buildings other than— Control of demolition in conservation areas in England and Wales.

- (a) listed buildings, and
- (b) excepted buildings within the meaning of section 58(2) of the Act of 1971 (buildings, that is to say, excepted from the power of local planning authorities to serve

building preservation notices in respect of non-listed buildings).

(2) If it appears to a local planning authority in England or Wales that, in the interests of preserving the character or appearance of any part of their area which is for the time being a conservation area, there should be power to control the demolition of the buildings therein to which this section applies, or any one or more of those buildings, they may direct that the buildings or building in question be subject to control under this section; and while such a direction is in force as respects any building, the provisions of the Act of 1971 specified in Part I of Schedule 2 to this Act shall have effect in relation to the building subject to and in accordance with the provisions of that Part.

(3) A local planning authority making a direction under subsection (2) above shall forthwith submit it to the Secretary of State for confirmation, and the Secretary of State may confirm the direction in the form in which it is submitted to him, confirm it subject to the exclusion of any building or buildings specified in the confirmation, or refuse to confirm it.

(4) A direction under subsection (2) above shall come into force on the day on which it is confirmed by the Secretary of State or, if it contains a declaration by the local planning authority that it is expedient that it should have immediate effect, on the day on which it is made.

(5) A local planning authority may by a direction made under this subsection, which shall not require confirmation by the Secretary of State but shall take effect on the day on which it is made, revoke any direction under subsection (2) above, or vary any such direction so as to exclude any building or buildings therefrom.

(6) Where a building to which a direction under subsection (2) above relates becomes a listed building or ceases to be in a conservation area, the direction shall cease to be in force as respects that building; and, in the case of a direction containing such a declaration as is mentioned in subsection (4) above—

- (a) if during the period of six months beginning with the date on which the direction is made the Secretary of State notifies the local planning authority that he does not propose to confirm it, the direction shall cease to be in force as from the day on which the notification is received by them,
- (b) if during that period the Secretary of State confirms the direction subject to the exclusion of a specified building or buildings, the direction shall thereupon cease to be in force as respects that building or those buildings,

(c) if neither of the above paragraphs applies, the direction shall cease to be in force at the end of that period unless the Secretary of State has by then confirmed it in the form in which it was submitted to him.

(7) The provisions of Part II of Schedule 2 to this Act shall have effect for the purpose of supplementing the preceding provisions of this section.

(8) The preceding provisions of this section and the said Schedule 2 shall be construed as one with the Act of 1971; and, in particular, the local planning authority for the purpose of this section shall, in Greater London, be the Greater London Council and also, in relation to a London borough, the council of that borough.

9.—(1) This section applies to all buildings other than—

- (a) listed buildings within the meaning of section 40(1) of the Town and Country Planning (Scotland) Act 1969 (hereinafter referred to as “the Act of 1969”), and
- (b) buildings to which section 48(2) of the Act of 1969 applies (buildings, that is to say, excepted from the power of local planning authorities to serve building preservation notices in respect of non-listed buildings).

Control of demolition in conservation areas in Scotland.

1969 c. 30.

(2) If it appears to a local planning authority in Scotland that, in the interests of preserving the character or appearance of any part of their district which is for the time being designated as a conservation area under section 1 of the Civic Amenities Act 1967, there should be power to control the demolition of the buildings therein to which this section applies, or any one or more of those buildings, they may direct that the buildings or building in question be subject to control under this section; and while such a direction is in force as respects any building, the provisions of the Act of 1969 specified in Part I of Schedule 3 to this Act shall have effect in relation to the building subject to and in accordance with the provisions of that Part.

1967 c. 69.

(3) A local planning authority making a direction under subsection (2) above shall forthwith submit it to the Secretary of State for confirmation, and the Secretary of State may confirm the direction in the form in which it is submitted to him, confirm it subject to the exclusion of any building or buildings specified in the confirmation, or refuse to confirm it.

(4) A direction under subsection (2) above shall come into force on the day on which it is confirmed by the Secretary of State or, if it contains a declaration by the local planning authority that it is expedient that it should have immediate effect, on the day on which it is made.

(5) A local planning authority may by a direction made under this subsection, which shall not require confirmation by

the Secretary of State but shall take effect on the day on which it is made, revoke any direction under subsection (2) above, or vary any such direction so as to exclude any building or buildings therefrom.

(6) Where a building to which a direction under subsection (2) above relates becomes a listed building or ceases to be in a conservation area under the aforesaid Act of 1967, the direction shall cease to be in force as respects that building; and, in the case of a direction containing such a declaration as is mentioned in subsection (4) above—

- (a) if during the period of six months beginning with the date on which the direction is made the Secretary of State notifies the local planning authority that he does not propose to confirm it, the direction shall cease to be in force as from the day on which the notification is received by them,
- (b) if during that period the Secretary of State confirms the direction subject to the exclusion of a specified building or buildings, the direction shall thereupon cease to be in force as respects that building or those buildings,
- (c) if neither of the above paragraphs applies, the direction shall cease to be in force at the end of that period unless the Secretary of State has by then confirmed it in the form in which it was submitted to him.

(7) The provisions of Part II of Schedule 3 to this Act shall have effect for the purpose of supplementing the preceding provisions of this section.

(8) The preceding provisions of this section and the said Schedule 3 shall be construed as one with the Town and Country Planning (Scotland) Acts 1947 to 1969.

Grants and loans for preservation or enhancement of character or appearance of conservation areas.

1967 c. 69.

10.—(1) If the Secretary of State is of opinion that any area designated as a conservation area under section 277 of the Act of 1971 or, in Scotland, section 1 of the Civic Amenities Act 1967 is an area of outstanding architectural or historic interest, he may out of moneys provided by Parliament make grants or loans for the purpose of defraying in whole or in part any expenditure incurred or to be incurred in or in connection with, or with a view to the promotion of, the preservation or enhancement of the character or appearance of the area or any part thereof.

(2) A grant or loan under this section may be made subject to such conditions as the Secretary of State may think fit to impose.

(3) Any loan under this section shall be made on such terms as to repayment, payment of interest and otherwise as the Secretary of State may with the approval of the Treasury determine; and all sums received by the Secretary of State by way

of interest on, or repayment of, such a loan shall be paid by him into the Consolidated Fund.

(4) Before making any grant or loan under this section, the Secretary of State shall consult, both as to its making and as to the conditions subject to which it should be made, with the appropriate Council, that is to say, according as the conservation area in question is in England, Scotland or Wales (including Monmouthshire), the Historic Buildings Council for England, the Historic Buildings Council for Scotland, or the Historic Buildings Council for Wales:

Provided that this subsection shall not apply in a case where the making of a grant or loan appears to the Secretary of State to be a matter of immediate urgency.

(5) The Secretary of State may out of moneys provided by Parliament pay to any member of any of the Councils referred to in subsection (4) above by whom services are rendered in connection with any question as to the exercise of his powers under this section such remuneration and allowances as the Secretary of State may with the approval of the Minister for the Civil Service determine:

Provided that, in the case of any such member who is also a member of the House of Commons, the payments which the Secretary of State may make under this subsection shall extend only to allowances in respect of travelling and subsistence expenses, and any other expenses necessarily incurred by that member in connection with the rendering of the services in question.

Supplementary

11. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other enactment. Expenses.

12.—(1) This Act may be cited as the Town and Country Planning (Amendment) Act 1972, and— Short title, citation, commencement and extent.

(a) the Town and Country Planning Act 1971 and section 8 of this Act (with Schedule 2) may be cited together as the Town and Country Planning Acts 1971 and 1972, 1971 c. 78.

(b) the Town and Country Planning (Scotland) Acts 1947 to 1969 and section 9 of this Act (with Schedule 3) may be cited as the Town and Country Planning (Scotland) Acts 1947 to 1972.

(2) Sections 8 and 9 of this Act shall come into force at the expiry of a period of one month beginning with the day on which it is passed.

(3) Sections 1 to 6 and 8 of this Act (with Schedules 1 and 2) do not extend to Scotland, and nothing in this Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 4(1).

REPLACEMENT FOR SCHEDULE 4 TO ACT OF 1971

"SCHEDULE 4

SURVEYS AND DEVELOPMENT PLANS IN GREATER LONDON

Surveys by G.L.C.

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) instituted in pursuance of a direction of the Secretary of State, such matters as may be specified in the direction.

Surveys by London borough councils

2. The matters to be so examined or kept under review by a London borough council shall be such of the matters mentioned in 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 that Council to examine or keep under review and, in the case of a fresh survey under section 6(2) instituted in pursuance of a direction of the Secretary of State, such matters as may be specified in the direction.

Joint surveys

3.—(1) Section 10A of this Act applies neither to the Greater London Council nor to the London borough councils; but any two or more London borough councils may, if they think fit, institute under section 6 of this Act a joint survey for any combined area consisting of those boroughs or any part thereof.

(2) Where a London borough council join with another or others in a joint survey for a combined area—

(a) the carrying out of that survey shall be sufficient compliance with the council's duty under section 6(1) in relation to so much of the borough as is comprised in the area of the survey; and

(b) section 6(3) shall have effect—

(i) in relation to the joint survey as if references to the council's area were references to the combined area of the survey, and

(ii) in relation to any other survey instituted by the council under section 6(1), as if those references were to the area of that other survey,

references to neighbouring areas being construed accordingly in either case.

Surveys to conform to G.L.C. directions

4. Any survey by a London borough council under section 6 of this Act, and any joint survey by two or more such councils, shall be carried out on such lines as the Greater London Council may direct.

The Greater London development plan as a structure plan

SCH. 1

5.—(1) The Greater London development plan shall be a structure plan for Greater London approved under section 9 of this Act and may be altered under section 10 accordingly.

(2) The Secretary of State may approve the development plan by stages, that is to say he may approve any feature or element of the plan while reserving his decision on other features and elements of it; and in the following provisions of this Schedule references to his final approval of the plan are to when in the case of every feature and element of it either he has indicated his approval of it (with or without modifications) or he has indicated his decision not to approve it.

(3) The Secretary of State may direct that any area or part of an area indicated by the development plan as an area intended for comprehensive development, redevelopment or improvement as a whole shall be treated as an action area, and references in this Schedule to an action area shall be construed accordingly.

Alteration of structure plan on proposal of London borough council

6.—(1) Any of the London borough councils may, with the prior consent of the Secretary of State, at any time prepare for submission to him a proposal for altering the Greater London development plan so as to indicate any area specified in the proposal as an action area.

(2) Any such proposal shall be sent by the borough council to the Greater London Council, who shall send it on to the Secretary of State within such period as he may allow, with any observations of theirs on the proposal.

(3) Sections 8 and 9 of this Act shall apply with the necessary modifications in relation to a proposal under this paragraph as they apply in relation to a structure plan.

Exclusion of ss. 7 to 10, 10B, 11 and 12

7. Sections 7 to 10 of this Act do not apply to the London borough councils and sections 10B, 11 and 12 apply neither to those councils nor to the Greater London Council.

Local plans : who may prepare them

8.—(1) In the following provisions of this paragraph, and in paragraph 9 below, "G.L.C. action area" means an action area in whose case it is indicated in the Greater London development plan that it is for the Greater London Council, and not a London borough council, to prepare a local plan for that area.

(2) At any time before the Secretary of State's final approval of the Greater London development plan the Greater London Council may, if they think fit, prepare a local plan for the whole or part of a G.L.C. action area.

SCH. 1

(3) At any time either before or after the Secretary of State's final approval of the Greater London development plan—

- (a) a London borough council may, if they think fit, prepare a local plan for the whole or any part of the borough ;
- (b) any two or more of the London borough councils may, with or without the Greater London Council, together prepare a joint local plan for the whole or any part of their respective boroughs ; and
- (c) any one or more such councils and any one or more adjacent planning authorities may, with or without the Greater London Council, together prepare a joint local plan for any part of their respective areas ;

but this sub-paragraph shall not be taken to authorise the preparation of a local plan (joint or other) for the whole or any part of a G.L.C. action area.

(4) In the foregoing sub-paragraph, " adjacent planning authority " means a local planning authority whose area adjoins Greater London.

(5) Different local plans (joint or other) may be prepared for different purposes for the same part of any area.

Duty of planning authorities to prepare local plans for action areas

9.—(1) As soon as practicable after the Secretary of State's final approval of the Greater London development plan—

- (a) the Greater London Council shall prepare a local plan for every G.L.C. action area ; and
- (b) in the case of any other action area—
 - (i) if it is wholly comprised within a London borough, the council of that borough shall prepare a local plan for the area, and
 - (ii) if not, the council of every London borough in which any part of the action area falls shall prepare a local plan for that part ;

but this sub-paragraph shall not be taken to require a council to do again any thing which they have already done.

(2) In the case referred to in sub-paragraph (1)(b)(ii) above, a London borough council may comply with that sub-paragraph by joining with any other borough council concerned, with or without the Greater London Council, in the preparation of a joint local plan.

(3) Where a council are required by this paragraph to prepare a local plan, they shall take steps for the adoption of that plan.

Local plans by direction of Secretary of State

10.—(1) Without prejudice to the foregoing provisions, the Greater London Council or a London borough council shall, if the Secretary of State gives them (either before or after he finally approves the Greater London development plan) a direction in that behalf with

respect to any area of Greater London, as soon as practicable prepare for that area a local plan of such a nature as may be specified in the direction, and take steps for the adoption of the plan ; but no such directions shall require a council to take any steps to comply therewith until after the Secretary of State's final approval of the Greater London development plan.

(2) Before giving a direction to a council under this paragraph the Secretary of State shall consult the council with respect thereto and, in the case of a direction to be given to a London borough council, he shall also, before giving it, consult the Greater London Council.

General provisions as to local plans

11.—(1) The following provisions of this paragraph shall apply with respect to any local plan prepared under this Schedule by the Greater London Council or a London borough council and also with respect to a joint local plan so prepared by two or more planning authorities ; and in those provisions “ the council ” means the council preparing the local plan or, as the case may be, the authorities who join in the preparation of the joint plan.

(2) The plan shall consist of a map and a written statement and shall—

- (a) formulate in such detail as the council think appropriate their proposals for the development and other use of land in the area for which the plan is prepared, or for any description of development and other use of such land (including in either case such measures as the council think fit for the improvement of the physical environment and the management of traffic) ; and
- (b) contain such matters as may be prescribed, or as the Secretary of State may direct.

(3) The plan shall contain, or be accompanied by, such diagrams, illustrations and descriptive material as the council think appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed or as may in any particular case be specified in directions given by the Secretary of State ; and any such diagrams, illustrations and descriptive material shall be treated as forming part of the plan.

(4) In formulating their proposals in the plan the council shall—

- (a) secure that the proposals conform generally to the Greater London development plan as it stands for the time being (whether or not the Secretary of State has finally approved the plan, but taking into account any feature or element of it in the case of which he has indicated his approval), and
- (b) have regard to any information and any other considerations which appear to them to be relevant, or which may be prescribed, or which the Secretary of State may in any particular case direct them to take into account.

SCH. 1

(5) Before giving a direction to the council under this paragraph the Secretary of State shall consult the council with respect thereto and, in the case of a direction to be given to a London borough council, he shall also, before giving it, consult the Greater London Council.

Publicity for local plan prepared by single council

12.—(1) Where the Greater London Council or a London borough council propose to prepare a local plan, the council shall take such steps as will in their opinion secure—

- (a) that adequate publicity is given, in any London borough affected by the plan, to any relevant matter arising out of a survey under section 6 of this Act (including any joint survey) and to the matters proposed to be included in the plan ;
- (b) that persons who may be expected to desire an opportunity of making representations to the council with respect to those matters are made aware that they are entitled to an opportunity of doing so ; and
- (c) that such persons are given an adequate opportunity of making such representations ;

and the council shall consider any representations made to them within the prescribed period.

(2) After preparing a local plan, the council shall before adopting it or submitting it for approval under section 14 of this Act (but not before the Secretary of State has finally approved the Greater London development plan) make copies of the plan available for inspection at their office and at such other places as may be prescribed and—

- (a) in the case of a plan prepared by the Greater London Council, send a copy of the plan to the council of any London borough affected by the plan,
- (b) in the case of a plan prepared by a London borough council, send a copy to the Greater London Council, and
- (c) in any case send a copy to the Secretary of State.

(3) Each copy of a plan made available for inspection as required by sub-paragraph (2) above shall be accompanied by a statement of the time within which objections to the local plan may be made to the council who have prepared the plan ; and the copy sent to the Secretary of State shall be accompanied by a statement containing such particulars, if any, as may be prescribed—

- (a) of the steps which the council preparing the plan have taken to comply with sub-paragraph (1) above, and
- (b) of the council's consultations with, and their consideration of the views of, other persons.

Publicity for joint local plans

13.—(1) Where two or more local planning authorities propose to join in the preparation of a joint local plan for a combined area, they shall together take such steps as will in their opinion secure—

- (a) that adequate publicity is given in the areas of those authorities to any relevant matter arising out of a survey under

SCH. 1

section 6 of this Act (including any joint survey) and to the matters proposed to be included in the plan ;

- (b) that persons who may be expected to desire an opportunity of making representations to any of the authorities are made aware that they are entitled to an opportunity of doing so ; and
- (c) that such persons are given an adequate opportunity of making such representations ;

and the authorities shall consider any representations made to them within the prescribed period :

Provided that where one of the authorities is the Greater London Council, that Council shall not be required to take any steps under this sub-paragraph which can in the Council's opinion be taken, and are taken, by the council of any London borough in which any part of the combined area is comprised.

(2) After preparing a joint plan, the planning authorities concerned shall before adopting it or submitting it for approval under section 14 of this Act (but not before the Secretary of State has finally approved the Greater London development plan) make copies of the plan available at the offices of each of the authorities respectively and at such other places as may be prescribed and send copies of the plan to the Secretary of State and (in a case where the Greater London Council is not one of the authorities joining in the preparation of the plan) to that Council.

(3) Each copy of a joint local plan made available for inspection as required by sub-paragraph (2) above shall be accompanied by a statement of the time within which objections to the plan may be made to the planning authorities concerned ; and the copy sent to the Secretary of State shall be accompanied by a statement containing such particulars, if any, as may be prescribed—

- (a) of the steps which the planning authorities concerned have respectively taken to comply with sub-paragraph (1) above, and
- (b) of those authorities' consultations with, and their consideration of the views of, other persons.

Power of Secretary of State to suspend adoption

14.—(1) In relation to a local plan (joint or other) prepared under this Schedule, section 14(1) of this Act shall have effect as if the reference to section 12 were to the following provisions of this paragraph.

(2) If, on considering the statement submitted with, and the matters included in, a local plan so prepared and other information provided by the authority who prepared the plan (or as the case may be, the authorities who joined in its preparation) the Secretary of State is not satisfied that the purposes of paragraph 12(1)(a) to (c) above or, as the case may be, of paragraph 13(1)(a) to (c) above have been adequately achieved by the steps taken in that behalf by the authority or authorities, he may within twenty-one days of the receipt of the

SCH. 1

statement direct that no further steps for the adoption of the plan be taken without such further action as he may specify having been taken in order better to achieve those purposes and his being satisfied that such action has been taken.

(3) A planning authority who are given directions by the Secretary of State under this paragraph shall—

- (a) forthwith withdraw copies of the local plan made available for inspection as required by paragraph 12 or 13 above, and
- (b) in a case where objections to the plan have been made by any person, notify him that the Secretary of State has given such directions as aforesaid.

Other modifications of Part II in relation to preparation and adoption of joint local plans

15.—(1) In relation to a joint local plan prepared for a combined area by two or more planning authorities, sections 13, 14, and 18 of this Act shall apply, but with the following modifications.

(2) In section 13, references to the local planning authority shall be read as references to those authorities.

(3) In the case of section 14—

- (a) subsection (1) shall be read as enabling each of the authorities to adopt the plan so far as it relates to any part of that authority's area, subject only to such modifications as may have been agreed between all the authorities ;
- (b) subsection (2) shall apply to each of the authorities ;
- (c) subsection (3) shall be read as referring to adoption by all the authorities ;
- (d) references in subsection (4) (except in paragraph (e)) to a local planning authority shall be read as references to those authorities.

(4) The date appointed under section 18(4) for the joint plan to become operative shall be a date jointly agreed between the authorities who joined in the preparation of the plan and be specified in their respective resolutions adopting the plan.

Alteration etc. of local plans

16.—(1) In relation to a local plan adopted for an area in Greater London (other than a joint local plan), section 15 of this Act shall apply as if the following were substituted for subsection (3)—

“(3) The provisions of paragraphs 11(4) and (5) and 12 of Schedule 4 to this Act, and of sections 13 and 14 of this Act, shall apply in relation to the making of proposals for the alteration, repeal or replacement of a local plan under this section, and to alterations to a local plan so proposed, as they apply in relation to the preparation of a local plan under that Schedule and to a local plan prepared thereunder.” ;

and in relation to a joint local plan so adopted, the following provisions of this paragraph shall apply in place of section 15.

(2) Proposals for the alteration, repeal or replacement of the joint plan may be made by any of the authorities who joined in the preparation of the plan or by those authorities acting together, but—

(a) in the case of a plan which the Secretary of State has approved, only with his consent ;

(b) in the case of proposals made by a single authority, only in relation to so much of the combined area of the plan as is comprised in that authority's area.

(3) Without prejudice to sub-paragraph (2) above, any of the authorities who joined in the preparation of the plan shall, if the Secretary of State gives them a direction in that behalf, as soon as practicable prepare proposals of a kind specified in the direction, being proposals for the alteration, repeal or replacement of the plan ; but no such direction shall be given except for the preparation of proposals relating to so much of the combined area of the plan as is comprised in the area of that authority.

(4) The provisions of paragraphs 12 to 14 of this Schedule and of sections 13 and 14 of this Act (as applied by paragraph 15 above) shall apply in relation to the making of proposals for the alteration, repeal or replacement of the joint local plan under this paragraph, and to alterations to a local plan so proposed, as they apply in relation to the preparation of a joint local plan under this Schedule and to a joint local plan prepared thereunder.

Consultation between planning authorities

17.—(1) A London borough council shall before preparing a local plan under this Schedule, or proposals for the alteration, repeal or replacement of such a plan, and before complying with paragraph 12(2) of this Schedule in relation to any such plan or proposals, consult the Greater London Council.

(2) Before preparing a joint local plan under this Schedule, or proposals for the alteration, repeal or replacement of such a plan, and before complying with paragraph 13(2) of this Schedule in relation to any such plan or proposals, the local planning authorities joining in the preparation of the plan or, as the case may be, preparing the proposals, shall consult the Greater London Council.

(3) The Greater London Council shall, before preparing a local plan or proposals for the alteration, repeal or replacement of such a plan, consult the council of any London borough in which there is comprised any part of the area of the plan, and shall consult that council before complying with paragraph 12(2) of this Schedule in relation to any such plan or proposals.

(4) Where under this paragraph any local planning authority is required to consult another such authority with respect to any matter, they shall inform the other authority of their proposals in relation to that matter and consider any representations made to them by the other authority within such time as may be prescribed”.

Section 8(2)(7).

SCHEDULE 2

PROVISIONS AS TO CONTROL OF DEMOLITION IN CONSERVATION
AREAS IN ENGLAND AND WALES

PART I

APPLICATION OF CERTAIN PROVISIONS OF ACT OF 1971

1. Section 55 of the Act of 1971 (requirement of consent of local planning authority or Secretary of State to works affecting listed buildings) shall apply in relation to any works for the demolition of the building as if it were a listed building, but with the omission of subsections (2)(b) and (3); and subsections (3), (5) and (6) of section 56 of the Act, paragraph 2 of Schedule 3 thereto, and Parts I and II of Schedule 11 thereto (supplementary) shall apply accordingly in relation to listed building consent for any such works, but—

- (a) with the said subsection (3) modified by the substitution, for the reference to the desirability of preserving the building or any features of special architectural or historic interest which it possesses, of a reference to the desirability of preserving the character or appearance of the conservation area, and
- (b) with the omission from the said Parts I and II of paragraph 5, sub-paragraphs (3) and (4) of paragraph 6, paragraph 7, sub-paragraphs (2) and (3)(b) of paragraph 8 and paragraph 11.

2. Sections 96 to 99 of the Act of 1971 (listed building enforcement notices) shall apply in relation to the building as if it were a listed building, but—

- (a) with section 96(1) modified by the substitution, for the words “the character of the building as one of special architectural or historic interest”, of the words “the character or appearance of the conservation area in which the building is situated”,
- (b) with section 97(1) modified by the substitution of the following for paragraph (a)—
 - “(a) that power to control the demolition of the building is not necessary in the interests of preserving the character or appearance of the conservation area in which it is situated”,
 and
- (c) with the omission from section 97(5) of paragraphs (b) and (c).

3. Section 172 of the Act of 1971 (compensation) shall have effect on the revocation or modification as mentioned in subsection (1) of that section of any listed building consent granted in respect of the building; and section 190 of the Act and Schedule 19 thereto (listed building purchase notices) shall have effect where listed building consent in respect of the building is refused, granted subject to conditions, revoked or modified as mentioned in subsection (1) of the said section 190.

4. If the building is Crown land, section 266(1)(b) of the Act of 1971 shall have effect with respect to the application of any provision thereto by virtue of this Part of this Schedule.

SCH. 2

PART II

SUPPLEMENTARY

5. On the confirmation by the Secretary of State of any direction made under subsection (2) of section 8 of this Act by a local planning authority other than the council of a county borough, or the making by any such local planning authority of a direction under subsection (5) of that section, a copy of the direction certified by the clerk to the authority to be a true copy, together with a similarly certified copy of the confirmation in the case of a direction under the said subsection (2), shall be deposited by the authority as follows—

- (a) in the case of a direction made by a county council or a joint planning board, with the clerk to the council of any county district in which any building to which the direction relates is situated,
- (b) in the case of a direction made by the Greater London Council, with the clerk to the council of any London borough in which any building to which the direction relates is situated, and
- (c) in the case of a direction made by the council of a London borough, with the clerk of the Greater London Council.

6.—(1) On the confirmation by the Secretary of State of any direction under subsection (2) of the said section 8, or the making of any direction under subsection (5) of that section, the direction and confirmation or, as the case may be, the direction shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this paragraph under section 15(6) of the Land Charges Act 1925, by the proper officer of the council of every county borough, county district or London borough in which any building to which the direction relates is situated. 1925 c. 22.

(2) Every local authority with whom a copy of any direction is deposited under paragraph 5 above shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing particulars of any building in their area to which the direction relates.

7. A local planning authority making a direction under subsection (2) of the said section 8 containing such a declaration as is mentioned in subsection (4) of that section shall forthwith serve on every person who is an owner or occupier of any building to which the direction relates a notice stating that the direction has been made and explaining its effect, and, on being notified by the Secretary of State of his decision with respect to confirmation of the direction, shall forthwith notify every such person of the decision; and where any direction under the said subsection (2) not containing such a declaration is confirmed by the Secretary of State, or a direction is made under

SCH. 2

subsection (5) of the said section 8, the local planning authority making the direction shall forthwith serve on every person who is an owner or occupier of any building affected by the direction a notice stating that the direction has been made and confirmed or, as the case may be, made, and (unless it is a direction under the said subsection (5)) explaining its effect.

8.—(1) If a direction under subsection (2) of the said section 8 containing such a declaration as is mentioned in subsection (4) of that section ceases to be in force as respects any building by virtue of paragraph (a), (b) or (c) of subsection (6) of that section, then, subject to a claim in that behalf being made to the local planning authority within the time and in the manner prescribed by regulations under the Act of 1971, any person who at the time when the direction was made had an interest in the building shall be entitled to be paid compensation by the authority in respect of any loss or damage directly attributable to the effect of the direction.

(2) The loss or damage in respect of which compensation is payable under sub-paragraph (1) above shall include a sum payable in respect of a breach of contract caused by the necessity of countermanding any works to the building on account of the direction being in force with respect thereto.

9.—(1) The following provisions of this paragraph shall have effect where any direction under subsection (2) of the said section 8 ceases to be in force as respects any building, but, in the case of sub-paragraph (4), not where the direction ceases to be in force by reason of the building becoming a listed building.

(2) The fact that the direction 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 the Act of 1971 committed by him with respect to the building while the direction was in force.

(3) Any proceedings on or arising out of an application for listed building consent made while the direction was in force shall lapse, and any listed building consent granted with respect to the building while the direction was in force shall also lapse.

(4) Any listed building enforcement notice served by the local planning authority while the direction was in force shall cease to have effect, and any proceedings thereon under sections 96 and 97 of the Act of 1971 shall lapse, but section 99(1) and (2) of that Act shall continue to have effect as respects any 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 3

Section 9(2)(7).

PROVISIONS AS TO CONTROL OF DEMOLITION IN CONSERVATION
AREAS IN SCOTLAND

PART I

APPLICATION OF CERTAIN PROVISIONS OF ACT OF 1969

1. Subsections (2), (4)(a) and (6) to (8) of section 40 of the Act of 1969 (requirement of consent of local planning authority or Secretary of State to works affecting listed buildings) shall apply in relation to any works for the demolition of the building as if it were a listed building; and subsections (3), (5) and (6) of section 41 of the Act, section 56 of the Act, and Parts I and II of Schedule 4 thereto with section 22 as it applies to appeals under that Schedule, shall apply accordingly in relation to listed building consent for any such works, but—

- (a) with the said subsection (3) modified by the substitution, for the reference to the desirability of preserving the building or any features of special architectural or historic interest which it possesses, of a reference to the desirability of preserving the character or appearance of the conservation area, and
- (b) with the omission from the said Parts I and II of paragraph 4, paragraph 5, sub-paragraphs (2) and (3)(b) of paragraph 6 and paragraph 9.

2. Sections 44 to 46 of the Act of 1969 and Part IV of Schedule 4 to that Act with section 22 as it applies to appeals under that Schedule (listed building enforcement notices) shall apply in relation to the building as if it were a listed building, but—

- (a) with section 44(1) modified by the substitution, for the words “the character of the building as one of special architectural or historic interest”, of the words “the character or appearance of the conservation area in which the building is situated”,
- (b) with sub-paragraph (1) of paragraph 17 of Schedule 4 modified by the substitution of the following for paragraph (a)—
 - “(a) that power to control the demolition of the building is not necessary in the interests of preserving the character or appearance of the conservation area in which it is situated”,and
- (c) with the omission from sub-paragraph (5) of the said paragraph 17 of paragraphs (b) and (c).

3. Section 42 of the Act of 1969 and Part III of Schedule 4 thereto (listed building purchase notices) shall, subject to subsections (4) and (5) of section 51 of the Act, have effect where listed building consent in respect of the building is refused, granted subject to conditions, revoked or modified as mentioned in subsection (1) of the said section 42.

SCH. 3
1947 c. 53.

4. If the building is Crown land within the meaning of section 83 of the Town and Country Planning (Scotland) Act 1947, subsection (2)(b) of that section (whereby the restrictions imposed by certain provisions of that Act apply to a limited extent to Crown land) shall have effect as if the provisions of this Act, in its application to Scotland, were included in Part II of that Act.

PART II

SUPPLEMENTARY

5. On the confirmation by the Secretary of State of any direction made under subsection (2) of section 9 of this Act by a local planning authority, or the making by any local planning authority of a direction under subsection (5) of that section, a copy of the direction and confirmation or of the direction as the case may be certified by the clerk of the authority to be a true copy, shall be deposited by that authority with the clerk of any local authority in whose district any building to which the direction relates is situated.

In this paragraph "local authority" means a county council or the town council of a burgh.

6. Every local authority with whom a copy of any direction is deposited under paragraph 5 above shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing particulars of any building in their district to which the direction relates.

7. A local planning authority making a direction under subsection (2) of the said section 9 containing such a declaration as is mentioned in subsection (4) of that section shall forthwith serve on every person who is an owner, lessee, or occupier of any building to which the direction relates a notice stating that the direction has been made and explaining its effect, and, on being notified by the Secretary of State of his decision with respect to confirmation of the direction, shall forthwith notify every such person of the decision; and where any direction under the said subsection (2) not containing such a declaration is confirmed by the Secretary of State, or a direction is made under subsection (5) of the said section 9, the local planning authority making the direction shall forthwith serve on every person who is an owner, lessee, or occupier of any building affected by the direction a notice stating that the direction has been made and confirmed or, as the case may be, made, and (unless it is a direction under the said subsection (5)) explaining its effect.

8.—(1) If a direction under subsection (2) of the said section 9 containing such a declaration as is mentioned in subsection (4) of that section ceases to be in force as respects any building by virtue of paragraph (a), (b) or (c) of subsection (6) of that section, then, subject to a claim in that behalf being made to the local planning authority within the prescribed time and in the prescribed manner, any person who at the time when the direction was made had an interest in the building shall be entitled to be paid compensation by the authority in respect of any loss or damage directly attributable to the effect of the direction.

(2) The loss or damage in respect of which compensation is payable under sub-paragraph (1) above shall include a sum payable in respect of a breach of contract caused by the necessity of countermanding any works to the building on account of the direction being in force with respect thereto.

9.—(1) The following provisions of this paragraph shall have effect where any direction under sub-paragraph (2) of the said section 9 ceases to be in force as respects any building, but, in the case of sub-paragraph (4), not where the direction ceases to be in force by reason of the building becoming a listed building.

(2) The fact that the direction has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 40 or 45 of the Act of 1969 committed by him with respect to the building while the direction was in force.

(3) Any proceedings on or arising out of an application for listed building consent made while the direction 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.

(4) Any listed building enforcement notice served by the local planning authority while the direction was in force shall cease to have effect, and any proceedings thereon under Part IV of Schedule 4 to the Act of 1969 shall lapse, but section 46(1) and (2) of that Act shall continue to have effect as respects any expenses incurred by the local authority, owner, lessee or occupier as therein mentioned and with respect to any sums paid on account of such expenses.

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