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SCHEDULES

FIRST SCHEDULE

Section 2.

JOINT PLANNING BOARDS

- 1 A joint planning board constituted by an order under section two 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 two hundred and ninety-three of the Local Government Act, 1933 (which authorises the application of the provisions of that Act to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board, and for the payment of the expenses of the board by the constituent councils ;
 - (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and apportionment of liabilities;
 - (c) may contain such other provisions as appear to the Minister to be expedient for enabling the board to exercise their functions; and
 - (d) may apply to the board, with any necessary modifications and adaptations, any of the provisions of the Second Schedule to this Act.

SECOND SCHEDULE

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 Minister, concur in establishing a joint advisory committee for the purpose of advising those authorities as to the preparation of development plans and generally as to the planning of development in their areas ; and any such committee shall be constituted in such manner as may be determined by the authorities by whom it is established:

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

6 If it appears to the Minister to be expedient that a joint advisory committee of any two or more local planning authorities should be established in accordance with the last preceding paragraph, he may, after consultation with those authorities, by order establish such a committee, and any such order may—

- (a) provide for the reference to the committee of such matters as may be specified in the order ;
- (b) make such incidental and consequential provisions (including provision for the payment of expenses of the committee and the transfer and compensation of officers) as appear to the Minister to be expedient.

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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THIRD SCHEDULE

Sections 12 and 118.

DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

PART I

Development not ranking for compensation under s.123

- 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 the seventh day of January, nineteen hundred and thirty-seven, 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 seventeen hundred and fifty cubic feet, whichever is the greater, and
 - (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.123

- 3 The enlargement, improvement or other alteration, as often as occasion may require, of any such building as is mentioned in sub-paragraph (a) or sub-paragraph (b) of paragraph 1 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 seventeen hundred and fifty 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,

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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 the seventh day of January, nineteen hundred and thirty-seven) for any such purpose, the use of that building or land for any other purpose falling within the same general class.
- 7 In the case of any building or other land which, 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.

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 :

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Provided that sub-paragraph (6) 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.

FOURTH SCHEDULE

Section 75.

FURTHER PROVISIONS WITH RESPECT TO ORDERS PROVIDING FOR EXPEDITED COMPLETION

Introductory

- 1 (1) The provisions of this Schedule shall have effect with respect to any compulsory purchase order which includes a direction, under subsection (1) of section seventy-four of this Act, that the provisions of Part V of this Act relating to expedited completion shall apply to the order so far as it relates to land specified in the direction ; and in this Schedule “the relevant land ” means the land so specified.
- (2) In this Schedule “the Act of 1845 ” means the Lands Clauses Consolidation Act, 1845, and “the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946.

Particulars to be included in notice of confirmation of order

- 2 The notice of the confirmation of the order required by paragraph 6 of the First Schedule to the Act of 1946 to be published—
- (a) shall refer to the provisions as to entry and vesting contained in subsection (6) of section seventy-five of this Act, and
 - (b) shall include a notification to the effect that every person entitled to claim compensation in respect of any of the relevant land or any interest in such land is invited to give information to the acquiring authority, in the prescribed form, with respect to his name and address and the land and interest in question.

Certificate of acquiring authority for purpose of determining date of vesting

- 3 For the purposes of section seventy-five of this Act, a certificate given by the acquiring authority stating that the service of notices on occupiers required by subsection (5) of that section was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.

Exclusion of power of entry conferred by Act of 1946

- 4 Paragraph 3 of the Second Schedule to the Act of 1946 (which provides for entry on land comprised in a compulsory purchase order before the purchase money has been paid, and without previous consent or compliance with sections eighty-four to ninety of the Act of 1845) shall not have effect in relation to the order.

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Restriction on withdrawal of constructive notice to treat

- 5 The power conferred by section thirty-one of the Land Compensation Act, 1961, to withdraw a notice to treat shall, in the case of a notice to treat which is deemed to have been served by virtue of subsection (2) of section seventy-five of this Act, not be exercisable at any time after the interest in respect of which the notice is deemed to have been served has vested in the acquiring authority by virtue of subsection (6) of the said section seventy-five.

Special provisions with respect to parts of buildings, etc.

- 6 (1) Where a part only of a house, building or manufactory, or of a park or garden belonging to a house, is comprised in the relevant land, then, if notice in that behalf is given to the acquiring authority in accordance with the provisions of the next following sub-paragraph, no notice to treat shall be deemed by virtue of subsection (2) of section seventy-five of this Act to have been served in respect of any interest in the said part; and, as from the giving of the first-mentioned notice, the order shall have effect in relation to that part as if it had not been comprised in the relevant land.
- (2) A notice under the preceding sub-paragraph in respect of any premises consisting of part of a house, building, manufactory, park or garden may be given to the acquiring authority by any person having in those premises an interest in respect of which, but for that sub-paragraph, a notice to treat would be deemed to have been served, but shall not have effect if given before the order has come into operation or after the acquiring authority have executed in respect of those premises a declaration under subsection (3) of the said section seventy-five.
- (3) Where by virtue of subsection (2) of the said section seventy-five a notice to treat is deemed to have been served in respect of any interest, section ninety-two of the Act of 1845 (which provides that a person shall not be compelled to sell part only of a building if he is prepared to sell the whole) shall, in relation to the acquisition of that interest under the order, be excepted from the incorporation (by virtue of paragraph 1 of the Second Schedule to the Act of 1946) of the Act of 1845 with section sixty-eight of this Act.
- 7 Paragraph 4 of the Second Schedule to the Act of 1946 (which makes special provision, in substitution for section ninety-two of the Act of 1845, with respect to the compulsory acquisition of parts of buildings) shall not have effect in relation to the order.

Compensation not to be affected by provision for expedited completion

- 8 Where any of the relevant land has become vested in the acquiring authority by virtue of subsection (6) of section seventy-five of this Act, the authority shall be liable to pay the like compensation for the land, and the like interest on the compensation agreed or awarded, as they would have been required to pay if the provisions of the Act of 1845 specified in the said subsection (6), and the provisions of that Act compliance with which would have been requisite in order to render exercisable by them the powers referred to in that subsection, had been complied with.

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*Exclusion of provisions of Act of 1845 relating to
absent parties and interests omitted to be purchased*

- 9 (1) Where a notice to treat is deemed by virtue of subsection (2) of section seventy-five of this Act to have been served in respect of any interest, the provisions of the Act of 1845 specified in the following sub-paragraph shall, in relation to the purchase of that interest under the order, be excepted from the incorporation (by virtue of paragraph 1 of the Second Schedule to the Act of 1946) of the Act of 1845 with section sixty-eight of this Act.
- (2) The said provisions are sections fifty-eight to sixty-two and sixty-four to sixty-seven (which relate to the mode of ascertaining compensation to absent parties) and sections one hundred and twenty-four to one hundred and twenty-six (which relate to interests which have by mistake been omitted to be purchased).

Rentcharges and leases affecting relevant land and other land

- 10 (1) Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, charged with a rentcharge, such portion of the rentcharge as may be apportioned under section one hundred and sixteen of the Act of 1845 to the first-mentioned land shall, subject to sub-paragraph (3) of this paragraph, be treated as having been extinguished by virtue of subsection (6) of section seventy-five of this Act on the vesting of that land in the acquiring authority under that subsection.
- (2) Where by virtue of the preceding sub-paragraph a portion of a rentcharge is treated as having been extinguished, sections one hundred and fifteen to one hundred and eighteen of the Act of 1845 shall have effect as if the extinguishment had taken place under section one hundred and seventeen of that Act.
- (3) If, in the circumstances described in sub-paragraph (1) of this paragraph, the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said sections one hundred and fifteen to one hundred and eighteen shall have effect as if, at the time of the vesting of the relevant land in the acquiring authority under subsection (6) of section seventy-five of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in section one hundred and sixteen of the Act of 1845; and, in that case, no part of the rentcharge shall be treated as having been extinguished by virtue of the said subsection (6) so far as regards the remaining part of the land charged therewith.
- (4) In this paragraph references to a rentcharge include references to any such rent service, chief or other rent, or other payment or incumbrance, as is mentioned in the words introductory to the said sections one hundred and fifteen to one hundred and eighteen.
- 11 Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, comprised in a lease for a term of years unexpired, section one hundred and nineteen of the Act of 1845 shall have effect in relation thereto with the substitution, for references therein to the time of the apportionment of rent therein mentioned, of references to the time of the vesting in the acquiring authority of the leasehold interest in the first-mentioned land under subsection (6) of section seventy-five of this Act.

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Miscellaneous

- 12 Where any of the relevant land has become vested in the acquiring authority under subsection (6) of section seventy-five of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, rent under a lease, mortgage interest or any other matter) and makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved, or of some one or more of those facts, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.
- 13 Where, at the time of the vesting of an interest in the acquiring authority by virtue of subsection (6) of section seventy-five of this Act, the compensation payable in respect thereof is not finally ascertained, section twelve of the Finance Act, 1895 (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months from the date of vesting) shall have effect, with respect to the vesting of that interest, with the substitution, for the reference therein to the date of vesting, of a reference to the date on which the compensation has become finally ascertained.
- 14 Where, after land has become vested in the acquiring authority under subsection (6) of section seventy-five of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and section sixty-four of the Law of Property Act, 1925, shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.
- 15 (1) The time within which a question of disputed compensation, arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of subsection (2) of section seventy-five of this Act, may be referred to the Lands Tribunal shall be six years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of subsection (6) of the said section seventy-five.
- (2) This paragraph shall be construed as one with Part I of the Limitation Act, 1939.

FIFTH SCHEDULE

Section 92.

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) AH 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 subparagraph (1) of paragraph 2 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 (but without prejudice to the Operation of paragraph 10 of the Tenth Schedule to this Act) 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 (but without prejudice to the operation of paragraph 10 of the Tenth Schedule to this Act) 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 otherwise 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.

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- (7) References in this Part of this Schedule to a mortgage of a claim holding do not include a mortgage which was subsequently discharged.
- 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 the next following sub-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 the preceding sub-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, the preceding 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 the last preceding paragraph, 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 the last preceding paragraph 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 the last preceding sub-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 the last preceding sub-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

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- (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, 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 fifty-nine of the Act of 1947, “the date of the scheme ” means the twelfth day of December, nineteen hundred and forty-nine, 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 subsection (3) of section sixty-five 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 ;

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- (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.
- 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 the preceding sub-paragraph applies, the last preceding paragraph shall have effect in relation to the claim holding referred to in head (a) of the preceding sub-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) the last preceding paragraph 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.

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- 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 the last preceding paragraph 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 falls to be made for any of the purposes of the Act of 1954, of Part VI 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 or Part VI 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 the next following paragraph.
- 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 the last preceding sub-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

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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.

- 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 eight 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 The last preceding paragraph 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 VI 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.

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- (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—
- (a) a payment shall be treated as having become payable notwithstanding that the right to receive the payment was extinguished by subsection (2) of section fourteen 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 fourteen or subsection (6) of section fifty-eight 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 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 VI 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 the last preceding paragraph, and at any time an amount became or becomes recoverable in respect thereof under section twenty-nine of the Act of 1954, as applied by section forty-six of that Act, or under section one hundred and thirteen of this Act as applied by paragraph 27 of the Fourteenth Schedule thereto to compensation under Part V of the Act of 1954, then, for the purposes of Part VI of this Act, the last preceding paragraph shall have effect as from that time as if the principal amount of that

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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 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 VI 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 VI 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 ninety-two of this Act, the adjustment of claim holdings is deemed to have been completed.

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SIXTH SCHEDULE

Section 95.

CALCULATION OF VALUE OF PREVIOUS DEVELOPMENT OF LAND

- 1 Where for the purposes of section ninety-five 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 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 not be refused on any subsequent application.
- 3 If the development involved the clearing of any land, the reference in sub-paragraph (a) of the last preceding paragraph 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 the preceding sub-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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SEVENTH SCHEDULE

Section 96.

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 ninety-six 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 the next following sub-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 the preceding sub-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 the last preceding sub-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 the preceding sub-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 ninety-six 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—to) “the relevant land ”, in relation to a compulsory acquisition to which section ninety-six 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 ninety-six of this Act; and
- (e) other expressions have the same meanings as in Part VI of this Act.

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EIGHTH SCHEDULE

PROVISIONS OF ACT REFERRED TO IN SECTIONS 187, 196, 197, 203 TO 205, 215 AND 217

- 1 (1) Sections 1 to 12 ; section 13, except subsection (7); section 14, except subsection (6); subsection (1) of section 17 ; sections 18 to 21 ; section 22, with the omission, in subsection (4), of the references to sections 15 and 16 ; section 23, with the omission, in subsection (6), of the reference to section 16 ; section 24 ; sections 27 to 39 ; sections 41 to 87 ; section 118 ; section 119, with the omission, in subsection (2), of the reference to sections 120 to 122 ; section 123, except subsection (5); sections 124 to 136 ; subsection (1) of section 137; sections 153 to 175; in section 176, subsection (1), with the omission of paragraphs (d) and (e); section 177, except subsection (6); section 178 ; section 180 ; section 183, with the omission, in subsection (3), of the references to section 179 ; section 184 ; subsection (1) of section 185 ; sections 186 to 189 ; sections 196 to 198 ; in section 199, subsection (1) (the reference, in paragraph (b), to Part III being construed as not referring to sections 15 and 16) and subsections (2) to (4) and subsection (6); section 200; section 205, except paragraph (a) of subsection (2) and subsection (4); subsections (2) and (3) of section 206 ; section 207 ; section 210 ; section 211, except subsection (2); section 212 ; section 215 ; section 219 ; the 1st, 2nd, 3rd and 4th Schedules ; the 9th Schedule, except paragraphs 13 and 14 ; the 10th Schedule, except paragraphs 9 and 10 ; and the 11th and 13th Schedules.
- (2) Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified in the preceding sub-paragraph.
- 2 (1) Sections 25 and 26 ; section 40 ; sections 88 to 117 ; sections 120 to 122 ; subsection (5) of section 123 ; subsection (2) of section 137; subsections (2) to (4) of section 185; sections 190 to 192; section 194 ; section 201 ; subsection (4) of section 205 ; subsection (1) of section 206; section 208 ; subsection (2) of section 211 ; the 5th and 6th Schedules ; paragraph 13 of the 9th Schedule ; and paragraphs 9 and 10 of the 10th Schedule.
- (2) Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified in the preceding sub-paragraph.
- 3 (1) Subsection (6) of section 14 ; sections 15 and 16 ; subsections (2) and (3) of section 17 ; section 96, with the omission of paragraph (b) of subsection (2) and paragraph (b) of subsection (6); section 97 (construed as if, in section 96, those paragraphs were omitted); sections 138 to 151 ; in section 176, subsection (1), with the omission of paragraphs (a) to (c), and subsections (2) to (4); subsection (6) of section 177; section 179; sections 181 and 182; subsection (3) of section 183 ; in section 199, subsection (1) (construed as if the reference to Part III were a reference only to sections 15 and 16) and subsection (5) ; in section 205, subsection (2) , with the omission of paragraph (b); the 7th Schedule; and paragraph 14 of the 9th Schedule.
- (2) Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified in the preceding sub-paragraph.

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NINTH SCHEDULE

Section 202.

PROVISIONS RELATING TO LONDON

- 1 The London County Council is the local planning authority for London.
- 2 The following provisions of this Act, that is to say, sections sixty-eight, seventy-four, (the provisions of Part VIII relating to purchase notices, and section two hundred and seven, shall have effect as if references therein to the council of the county borough or county district in which the land is situated—
 - (a) in relation to land in the City, were references to the Common Council, and
 - (b) in relation to land elsewhere in London, were references to the London County Council.
- 3 The following provisions of this Act, that is to say, sections thirty-one to thirty-three, sixty-nine, seventy-one, one hundred and fifty-four and one hundred and eighty-nine, shall have effect in relation to land in London as if any reference therein to the council of a county borough or county district included a reference to the Common Council and to the council of any metropolitan borough.
- 4 The power of a local planning authority to make agreements under section thirty-seven of this Act may be exercised also—
 - (a) in relation to land in the City, by the Common Council, and
 - (b) in relation to land in a metropolitan borough, by the council of that borough with the consent of the London County Council,and references in that section to a local planning authority shall be construed accordingly.
- 5 The council of a metropolitan borough shall not, except with the consent of the London County Council, be authorised to acquire land compulsorily under subsection (2) of section sixty-eight of this Act.
- 6
 - (1) Without prejudice to the powers conferred by section sixty-seven of this Act, or by section sixty-eight thereof as modified by the last preceding paragraph, if the Minister is satisfied that it is expedient in the public interest that any land within a metropolitan borough (whether designated by a development plan as subject to compulsory acquisition or not) should be acquired by the council of that borough for the purpose of providing a public open space, he may authorise that council to acquire that land compulsorily.
 - (2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under the preceding sub-paragraph, and accordingly shall have effect as if that sub-paragraph had been in force immediately before the commencement of that Act.
 - (3) Before submitting to the Minister a compulsory purchase order under this paragraph, the council of a metropolitan borough shall consult with the London County Council.
 - (4) Any reference in this Act to Part V thereof shall be construed as including a reference to the preceding provisions of this paragraph.
- 7 References in this Act to any of the provisions of sections one hundred and sixty-three to one hundred and sixty-six of the Local Government Act, 1933, shall, in relation to land in London, be construed as references respectively to the corresponding provisions of sections one hundred and six to one hundred and nine of the London Government Act, 1939.

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- 8 (1) In relation to land in the City, the London County Council may delegate to the Common Council any of their functions under regulations made by virtue of section thirty-four of this Act with respect to the control of advertisements.
- (2) The preceding sub-paragraph shall have effect without prejudice to the provisions of section twelve of the City of London (Various Powers) Act, 1958 (which relates to the delegation of planning powers to the Common Council) or of any scheme made thereunder, whether made 'before or after the commencement of this Act.
- 9 Without prejudice to the last preceding paragraph or to any such provisions as are mentioned in sub-paragraph (2) thereof, the London County Council shall consult with the Common Council—
- (a) before submitting to the Minister any proposals for altering or adding to the development plan relating to land in the City ;
 - (b) before determining any application for planning permission relating to any such land ;
 - (c) before making a tree preservation order or building preservation order affecting any such land.
- 10 In relation to land in any metropolitan borough, the London County Council may delegate to the council of that borough any of their functions under regulations made under section thirty-four of this Act with respect to the control of advertisements.
- 11 The London County Council shall consult with the council of a metropolitan borough—
- (a) before submitting to the Minister proposals for altering or adding to the development plan relating to any land in that borough ;
 - (b) before determining any application for planning permission for the development of any such land, being an application of any such class as may be prescribed by the development order;
 - (c) before making a tree preservation order or a building preservation order affecting any such land.
- 12 (1) The class of applications for planning permission prescribed by a development order for the purposes of sub-paragraph (b) of the last preceding paragraph shall be such class as appears to the Minister to involve matters of principle.
- (2) Where an application of any class so prescribed is referred to the Minister for determination in pursuance of directions given by him under section twenty-two of this Act, the London County Council shall give notice to that effect to the council of the metropolitan borough in which the land to which the application relates is situated; and the Minister shall, in dealing with the application, take into account any representations made to the London County Council by the council of that borough.
- 13 (1) In relation to land in the City, the provisions of this Act specified in paragraph 2 of the Eighth Schedule thereto shall have effect as if references to a county borough or county district were references to the City and references to the council of a county borough or county district were references to the Common Council.
- (2) In relation to land elsewhere in London, those provisions shall have effect as if references to a county borough or county district were references to London and references to the council of a county borough or county district were references to the London County Council.
- 14 (1) In the application to London of sections one hundred and thirty-eight to one hundred and fifty-one of this Act—

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- (a) any reference to a highway authority or a local highway authority shall be construed as including a reference to the London County Council; and
 - (b) in paragraph (e) of subsection (1) of section one hundred and thirty-eight of this Act, the reference to the provisions of Part X of the Highways Act, 1959, shall be construed as a reference to those provisions as modified by the Twentieth Schedule to that Act.
- 15 (1) The provisions of this paragraph shall have effect in relation to any land in London which is defined by a development plan—
 - (a) as the site of a proposed road, or
 - (b) as land required for the widening of an existing road which is of less than byelaw width,and is designated by the plan as land to which this paragraph applies.
- (2) The appropriate council may at any time by order declare the land (together with any land forming part of any such existing road as is mentioned in the preceding sub-paragraph) to be a private street, and thereupon the land shall be deemed to have been dedicated to the public and to be a private street:

Provided that, except with the consent of all persons interested in the land, no such order shall be made by the appropriate council in relation to land which has not been acquired by them at the date of the order, other than land forming part of any such existing road.
- (3) In relation to land which is deemed to be a private street by virtue of a declaration under the last preceding sub-paragraph.—
 - (a) if it is land in the City, the provisions of sections one hundred and twenty-six to one hundred and twenty-eight of the City of London Sewers Act, 1848, and any provisions of the City of London Sewers Acts, 1848 to 1897, which relate to those sections, or
 - (b) if it is land elsewhere in London, the provisions of section one hundred and five of the Metropolis Management Act, 1855, section seventy-seven of the Metropolis Management Amendment Act, 1862, and the Metropolis Management Act, 1862, Amendment Act, 1890, and any provisions of the Metropolis Management Acts, 1855 to 1893, which relate to those provisions,shall apply, subject to such exceptions, adaptations and modifications as may be prescribed by regulations made under this Act, as if the land were a street to which those provisions respectively apply.
- (4) Regulations made for the purposes of the last preceding sub-paragraph shall make provision for securing—
 - (a) that the amount of the expenses incurred in the execution of street works charged under the provisions referred to in that sub-paragraph on the owners of adjoining land shall not exceed the amount which would, at the date of the commencement of the works, have been the cost of the execution of street works in the course of the construction, widening or improvement, if it had been carried out so as to comply with the provisions of any byelaws, regulations or other enactments in force in the district, and, with respect to matters for which no such provision is made, so as to comply with such requirements as would, at the date of the commencement of the works, have been imposed by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large;

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- (b) that, as soon as the street has been made up or widened by or to the satisfaction of the appropriate council, it shall become a highway repairable by the inhabitants at large;
- (c) that no expenses incurred in the execution of any street works shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings;
- (d) that no expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of any land (whether the site of a building or not) unless and until access is provided for, and used by, persons or vehicles from that land to the new street.

- (5) Regulations made for the purposes of sub-paragraph (3) of this paragraph—
- (a) may make provision whereby, in respect of street works carried out by the appropriate council, expenses incurred by a local authority in the construction of sewers in or under the land (being expenses incurred after the date on which the land is defined and designated as mentioned in sub-paragraph (1) of this paragraph, but before it is declared to be a private street under sub-paragraph (2) thereof) may be included in the expenses recoverable as mentioned in the last preceding sub-paragraph; and
 - (b) may provide for authorising the appropriate council to enter upon any land adjoining the street for the purpose of executing street works on land comprised in the street.

- (6) The references in sub-paragraph (3) of this paragraph to the enactments therein mentioned shall be construed as including references to those enactments as amended by any other local Act, and to any local Act making provision corresponding with the provisions of those enactments, or corresponding with the provisions of sections one hundred and seventy-four to one hundred and eighty-eight of the Highways Act, 1959 ; and the power of the Minister to make regulations for the purposes of this paragraph shall include power to make special regulations with respect to any district in which such a local Act is in force.

- (7) In this paragraph—

“the appropriate council ” in relation to land in the City means the Common Council, and in relation to land in a metropolitan borough means the council of that borough;

“byelaw width ”, in relation to a road, means the width required by any byelaws, regulations or other enactments regulating the construction of streets in the area in which the road is situated;

“construction ” and “improvement ”, in relation to a street, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside the street;

“street works ” means the sewerage, levelling, paving, metalling, flagging, channelling and making good a street or part of a street and providing proper means of lighting for it.

- 16 Section ten of the Development and Road Improvement Funds Act, 1909 (which enables the Minister of Transport to authorise the construction of new roads in respect of which advances are made under that Act and provides for the expenses of the construction, and for the maintenance, of such roads) shall apply in relation to the construction of a new road by a local highway authority on land defined by a development plan as the site of a proposed road, or on any other land acquired by or

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- transferred to them under Part V of this Act, as if the road were a road in respect of the construction of which an advance were made to that authority under that section.
- 17 Notwithstanding anything in section eleven of the London County Council (Loans) Act, 1955, in the case of money borrowed by the London County Council for the purpose of the discharge of their functions under the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto, the manner in which the Council may borrow shall include borrowing from the Public Works Loan Commissioners in accordance with the Public Works Loans Acts, 1875 to 1882.
- 18 In this Schedule (except in this paragraph) “London ” means the administrative county of London, “the City” means the City of London and “the Common Council” means the Common Council of the City of London.

TENTH SCHEDULE

Section 209.

DEVELOPMENT CHARGES

- 1 This Schedule applies to any determination under Part VII of the Act of 1947 that a development charge was payable in respect of the carrying out of operations in, on, over or under land, or in respect of the use of land, where the development charge in question or part thereof for the time being remains undischarged and a person is or may become liable in respect thereof.
- 2 (1) The Minister may at any time, on application made to him in that behalf in accordance with regulations under this Act by the person entitled to an interest in land to which such a determination relates, vary the determination in such manner as appears to him to be appropriate having regard to any change of circumstances since the determination was made, including the development, after the determination, of adjacent land in accordance with planning permission granted otherwise than in accordance with the provisions of the development plan:
- Provided that the Minister shall not vary any such determination so as to increase the amount of the development charge payable thereunder.
- (2) Where the Minister varies a determination under the preceding sub-paragraph, he may amend, discharge or release any covenants or charges made or given in respect of the determination, or repay any sums previously paid thereunder, so far as may be required in order to give effect to the variation.
- 3 Where, in the case of a determination to which this Schedule applies.—
- (a) planning permission for the carrying out of operations, or the institution or continuance of a use, to which the determination relates is revoked by an order made under section twenty-seven of this Act, or
 - (b) an order is made under section twenty-eight of this Act requiring the removal of any buildings or works erected or constructed in carrying out those operations, or requiring the discontinuance of that use, as the case may be, or
 - (c) the whole of the land to which the determination relates is compulsorily acquired under this or any other Act,
- the determination, and any covenants or charges made or given in respect thereof, shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder.

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- 4 Where, in the case of a determination to which this Schedule applies.—
- (a) planning permission for the carrying out of the operations, or for the institution or continuance of the use, to which the determination relates is modified by an order made under section twenty-seven of this Act, or
 - (b) an order is made under section twenty-eight of this Act requiring the alteration of any buildings or works erected or constructed in the carrying out of those operations, or imposing conditions on the continuance of that use, as the case may be, or
 - (c) part (but not the whole) of the land to which the determination relates is compulsorily acquired under this or any other Act,
- the Minister shall, on application made to him in accordance with regulations under this Act, vary the determination, and amend, discharge or release any covenants or charges made or given in respect thereof, so far as may be just in consequence of the order or acquisition, as the case may be.
- 5 Where compensation is payable under Part VII of this Act in consequence of any such order as is mentioned in sub-paragraph (a) or sub-paragraph (b) of paragraph 3 or paragraph 4 of this Schedule, then in calculating for the purposes of the compensation and depreciation of the value of an interest in the land to which the order relates, or any other loss or damage sustained by a person interested in that land, regard shall be had to the preceding provisions of this Schedule and to anything done by the Minister thereunder, or done by the Minister or the Central Land Board under section seventy-three of the Act of 1947.
- 6 Where, in the case of a determination to which this Schedule applies, compensation is payable under Part VII of this Act in consequence of any such order as is mentioned in the last preceding paragraph, or where the whole or part of the land to which the determination relates is compulsorily acquired under this or any other Act, then if any sums have been paid by way of development charge in accordance with that determination, the Minister shall pay to the authority or person by whom compensation is payable in consequence of the order, or in respect of the compulsory acquisition, as the case may be, a contribution towards that compensation, representing such proportion of the sums so paid by way of development charge as may be agreed between the Minister and that authority or person, or, failing agreement, as may be determined by the Minister, to be appropriate in all the circumstances of the case.
- 7 Section one hundred and nineteen of this Act shall apply for the purposes of the preceding provisions of this Schedule and shall accordingly have effect as if those provisions were included among the provisions of sections one hundred and twenty to one hundred and twenty-two applied (with modifications) by subsection (2) of section one hundred and nineteen.
- 8 Where a determination to which this Schedule applies was made by an order under section seventy-four of the Act of 1947 (which related to development carried out in contravention of Part VII of that Act) and, by virtue of subsection (2) of that section, an interest in land was charged with the payment of any sums, that charge shall be deemed to 'be a land charge of Class A within the meaning of the Land Charges Act, 1925 ; and the Minister shall, for the purposes of enforcing it, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as he would have had if he were a mortgagee by deed having powers of sale and lease and of appointing a receiver.
- 9 Where a determination to which this Schedule applies was in respect of the winning and working of minerals over a period ending on or after the first day of January,

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- nineteen hundred and fifty-five, the Minister shall, on application made to him in that behalf in accordance with regulations under this Act, vary the determination, and amend, discharge or release any covenants or charges made or given in respect thereof, in such manner as appears to him appropriate for limiting the development charge to the winning and working of the minerals within so much of that period as preceded that day, and shall repay any sums paid thereunder so far as may be requisite for giving effect to the variation.
- 10 (1) For the purposes of the provisions of Part VI of this Act, and of the Fifth Schedule thereto, and of the last preceding paragraph, a development charge shall be deemed not to have been determined if—
- (a) the determination thereof ceased to have effect by virtue of subsection (2) of section seventy-three of the Act of 1947 or ceases to have effect by virtue of paragraph 3 of this Schedule, or
 - (b) by virtue of subsection (1) of section one of the Town and Country Planning Act, 1953, the charge was not payable, or
 - (c) under subsection (5) of the said section one, any sum paid in respect of the charge became repayable.
- (2) For the purposes mentioned in the preceding sub-paragraph a development charge shall be deemed to have become payable notwithstanding any agreement of the Central Land Board or of the Minister to a postponement of the payment of the charge, if the whole or part of the charge would have been payable but for that agreement.
- (3) In the provisions of this Act mentioned in sub-paragraph (1) of this paragraph references to a determination that a development charge was payable, or as to the amount of a development charge, shall, in a case where the determination was subsequently varied, be construed as references to the determination as so varied.
- 11 (1) References in this Schedule to the carrying out of operations include references to the retention on land of buildings or works which have been erected or carried out in accordance with planning permission granted for a limited period.
- (2) Any reference in this Schedule to the compulsory acquisition of land includes a reference to the acquisition of land by agreement by an authority or person who has power or can be authorised to acquire it compulsorily.

ELEVENTH SCHEDULE

Section 217.

ENACTMENTS EXCEPTED FROM S. 217 (5)

- 1 Section five of the Roads Improvement Act, 1925.
- 2 Section one hundred and seven of the Public Health Act, 1936.
- 3 Section one hundred and forty of the Public Health (London) Act, 1936.
- 4 The following provisions of the Highways Act, 1959, that is to say, subsections (1), (2), (5) and (8) to (10) of section seventy-two, section seventy-three, except subsection (5) thereof, sections one hundred and fifty-nine, one hundred and sixty-three and one hundred and sixty-six, subsections (2) and (4) of section one hundred and seventy, section two hundred and seventeen, subsection (7) of section two

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- hundred and twenty-two, subsections (5) and (7) of section two hundred and sixty-six, and the Ninth Schedule.
- 5 The following further provisions of the Highways Act, 1959, that is to say—
- (a) section one hundred and fifty-eight and subsection (1) of section one hundred and seventy in so far as they are applicable for the purposes of section one hundred and fifty-nine of that Act;
 - (b) subsection (11) of section two hundred and twenty-two in so far as it is applicable for the purposes of section two hundred and seventeen of that Act;
 - (c) in section two hundred and sixty-six, subsections (1) to (3) in so far as they are applicable for the purposes of section seventy-two of that Act, subsections (1), (3) and (6) in so far as they are applicable for the purposes of section seventy-three thereof, and subsections (1) and (3) in so far as they are applicable for the purposes of section one hundred and sixty-three and of subsection (2) of section one hundred and seventy thereof ;
 - (d) section two hundred and seventy in so far as it is applicable for the purposes of section seventy-three of that Act.
- 6 (1) Section two hundred and forty-three of the Highways Act, 1959, in so far as the purposes in question are the purposes of the exercise by a county council, in relation to county roads maintained by that council, of their powers under the provisions of that Act mentioned in the next following sub-paragraph.
- (2) The said provisions are subsections (1), (2), (5) and (8) to (10) of section seventy-two and section two hundred and seventeen.
- 7 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.
- 8 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.

TWELFTH SCHEDULE

Section 222.

ENACTMENTS AMENDED

The Building Restrictions (War-Time Contraventions) Act, 1946
(9 & 10 Geo. 6, c. 35)

In section seven, in the definition in subsection (1) of “authority responsible for enforcing planning control”, after the words “Town and Country Planning Act, 1947” there shall be inserted the words “or of paragraph 12 of the Thirteenth Schedule to the Town and Country Planning Act, 1962”, and the words “under Part III of that Act” shall be omitted ; and at the end of subsection (5) there shall be added the words “or by paragraph 12 of the Thirteenth Schedule to the Town and Country Planning Act, 1962”.

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The Civil Aviation Act, 1949

(12, 13 and 14 Geo. 6, c. 67)

In section thirty, in subsection (1), for the words from “arbitration of the tribunal” to “Town and Country Planning Act, 1944” there shall be substituted the words “Lands Tribunal”, and for the words “paragraph 2 of that Schedule” there shall be substituted the words “subsections (2) to (5) of section one hundred and seventy-one of the Town and Country Planning Act, 1962”; in subsection (2), for the words from “The said paragraph 2” to “in the case of compensation” there shall be substituted the words “Subsections (2) to (5) of the said section one hundred and seventy-one shall have effect for the purposes of this section as if, in paragraph (c) of subsection (2) of that section, the words ‘is under subsection (2) of the last preceding section, and’ were omitted, and as if, at the end of that paragraph, there were inserted the following paragraph :—

“(d) “, and for the words ” sub-paragraph (4) thereof“there shall be substituted the words ” subsection (5) of that section”.

In the Fourth Schedule, in paragraph 4, for the words from “the First Schedule” to “making of an order under” (in the second place where the last-mentioned words occur in that paragraph) there shall be substituted the words “section one hundred and sixty-nine of the Town and Country Planning Act, 1962, shall have effect as if any reference in that section to section one hundred and sixty-six of that Act, or to the section under which the order is proposed to be made, included a reference to ”. ; and in paragraph 8, for the words from “the First Schedule” to “making of an order under” (in the second place where the last-mentioned words occur in that paragraph) there shall be substituted the words “section one hundred and sixty-nine of the Town and Country Planning Act, 1962, shall have effect as if any reference in that section to section one hundred and sixty-eight of that Act, or to the section under which the order is proposed to be made, included a reference to ”.

The Town Development Act, 1952

(15 & 16 Geo. 6 and 1 Eliz. 2. c. 54)

In section six, in subsection (1), for the words “1947, has become operative under” there shall be substituted the words “1962, has become operative under the Town and Country Planning Act, 1947, or ” ; in subsection (5), for the words “Part IV of the said Act of 1947” there shall be substituted the words “Part V of the said Act of 1962 ” ; and for subsection (6) there shall be substituted the following subsection:—

“(6) For the purposes of any enactment (including any enactment contained in this Act) which contains a reference to section sixty-eight of the Town and Country Planning Act, 1962, or a reference which (by virtue of that Act or of section thirty-eight of the Interpretation Act, 1889) is to be construed as, or as including, a reference to that section, this section shall be treated as forming part of section sixty-eight of the said Act of 1962, and shall in particular be so treated for the purposes of 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.”

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The Highways Act, 1959

(7 & 8 Eliz. 2. c. 25)

In section nineteen, in subsection (1), for the words “subsection (4) of section nine of the Special Roads Act, 1949” there shall be substituted the words “section eight of the Town and Country Planning Act, 1962”.

The Town and Country Planning Act, 1959

(7 & 8 Eliz. 2. c. 53)

In section twenty-six, in subsection (5), for paragraph (c) there shall be substituted the following paragraph:—

“(c) to section seventy-eight of the Town and Country Planning Act, 1962 (which relates to the disposal of land held for planning purposes)”.

THIRTEENTH SCHEDULE

Section 223.

SAVINGS AND TRANSITIONAL PROVISIONS
 RELATING TO ENACTMENTS PREVIOUSLY REPEALED

Schemes and agreements

- 1 (1) The repeal shall not affect the operation of—
 - (a) any such scheme as was mentioned in paragraph 7 of the Tenth Schedule 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 repeal.
- 2 (1) The repeal shall not affect the operation of any such agreement as was mentioned in paragraph 10 of the Tenth Schedule 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 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 Minister as mentioned in section two hundred and ten, or as requiring the exercise of any such powers otherwise than in accordance with such provisions or directions.

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- (3) If the Minister is satisfied, on application made to him by any person being a party to any such agreement, or a person entitled to land affected thereby, or by the local planning authority, that any restriction on the development or use of the land imposed by the agreement is inconsistent with the proper planning or development of the area comprising the land, he may by order discharge or modify that restriction so far as appears to him to be expedient.
- (4) Without prejudice to the last preceding sub-paragraph, if any person being a party to any such agreement (whether as originally made or as modified under the last preceding 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, 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.

Land declared subject to compulsory purchase

- 3 (1) The provisions of this paragraph shall have effect in relation to land which, by an order under section one of the Act of 1944, was declared to be subject to compulsory purchase.
- (2) Subject to the following provisions of this paragraph—
 - (a) subsections (3) and (4) of section six and subsection (1) of section nine shall apply in relation to the land as if it were designated by a development plan as subject to compulsory acquisition ;
 - (b) Part V of this Act shall apply in relation to the land as if it were comprised in an area defined by a development plan as an area of comprehensive "development and were designated as subject to compulsory acquisition under this Act by the appropriate local authority ;
 - (c) sections one hundred and thirty-eight to one hundred and fifty shall apply in relation to the land as if it were designated by a development plan as subject to compulsory acquisition ;
 - (d) subsection (1) of section one hundred and seventy-six shall apply in relation to the order as if it were a development plan.
- (3) For the purposes of the application to any land, by virtue of the last preceding sub-paragraph, of subsection (1) of section nine, the reference in that subsection to the date therein mentioned shall be construed as a reference to the date of the coming into operation of the order under section one of the Act of 1944 whereby the land was declared to be subject to compulsory purchase.
- (4) In relation to any land to which subsection (1) of section nine applies by virtue of this paragraph, subsections (2) and (3) of that section shall have effect with the substitution, in subsection (2) thereof, for the words “the development plan shall have effect, after the end of that period, as if the land were not designated as subject to compulsory acquisition ”, of the words “paragraph 3 of the Thirteenth Schedule to this Act shall cease to apply to the land at the end of that period ”.
- (5) Part V of this Act shall not apply by virtue of this paragraph to any operational land of statutory undertakers, unless an order made under paragraph (b) of subsection (5) of section thirteen of the Act of 1944, declaring that it is expedient that the land should be subject to compulsory purchase, has taken effect.

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- (6) Any reference in this paragraph to subsection (1) of section nine shall be construed as including a reference to that subsection as modified by subsection (5) of that section.

Compulsory purchase orders under Act of 1944

- 4 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 V of this Act.

Land acquired under Act of 1944

- 5 For the purposes of Part V of this Act—
- (a) any land acquired by a Minister in pursuance of a compulsory purchase order under Part I of the Act of 1944 shall be deemed to have been acquired under section sixty-seven ;
 - (b) any land acquired by a local authority in pursuance of any such order shall be deemed to have been acquired under section sixty-eight;
 - (c) any land acquired by a local authority by agreement under the Act of 1944 shall be deemed to have been acquired under section seventy-one.

Development authorised under enactments previously repealed

- 6 (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 planning scheme or an interim development order, the provisions of Parts III and IV of this Act, the provisions of Part VIII of this Act relating to Eurchase notices, and the provisions of sections one hundred and fty-nine to one 'undred and sixty-two, 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 the preceding sub-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 IV 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.
- (3) The power of a local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of the application, or the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any works or use authorised by a permission granted subject to any such conditions as are mentioned in the last preceding sub-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

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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 one 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.
- 7 (1) Where permission for any development of land was granted, at any time after the twenty-first day of July, nineteen hundred and forty-three and before the appointed day, on an application in that behalf made under an interim development order, then, if and so far as that development 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 twenty-seven 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 subsection (3) of section one hundred and eighteen 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.
- 8 (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.

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- (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 the twenty-first day of July, nineteen hundred and forty-three, on an application in that behalf made under an interim development order, the provisions of this paragraph shall have effect in substitution for the provisions of the last preceding paragraph.
- 9 Where in pursuance of sub-paragraph (3) of paragraph 6 of this Schedule permission is granted for the retention on land of works authorised as mentioned in that sub-paragraph, sub-paragraph (1) of paragraph 11 of the Tenth Schedule to this Act shall apply in relation to the retention of those works as if they had been erected or carried out in accordance with planning permission granted for a 'limited period.
- 10 (1) Any reference in Part VI of this Act, or in the Fifth Schedule 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 7 or paragraph 8 of this Schedule.
- (2) The preceding sub-paragraph shall have effect without prejudice to the provisions of Part I of the Fourteenth Schedule to this Act as read with paragraph 18 of this Schedule.

Development contravening planning control under enactments previously repealed

- 11 (1) This paragraph applies to any enforcement notice served before the commencement of this Act by virtue of section seventy-five 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 shall not invalidate any enforcement notice to which this paragraph applies.
- (3) In relation to any such notice which was served before the twenty-ninth day of August, nineteen hundred and sixty, on the owner and occupier of the land to which it related—
- (a) sections forty-five to forty-nine shall not apply;
 - (b) section fifty shall not apply if the planning permission in question was granted before the said twenty-ninth day of August; and
 - (c) sections twenty-three and twenty-four of the Act of 1947, as applied by section seventy-five of that Act, shall have effect as they would have had effect in relation to the notice if this Act had not been passed.

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- (4) In relation to any enforcement notice to which this paragraph applies, not being a notice falling within the last preceding sub-paragraph, subsections (3) and (5) of section forty-five and (subject to paragraphs 13 to 16 of this Schedule) sections forty-six to fifty-one shall have effect as they have effect in relation to an enforcement notice served under section forty-five.
- 12 (1) In so far as an enforcement notice could, of this Act had not been passed, have been served by virtue of section seventy-five 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) Subsections (3) and (5) of section forty-five and (subject to paragraphs 13 to 16 of this Schedule) sections forty-six to fifty-one 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 forty-five.
- 13 (1) Where an enforcement notice falling within sub-paragraph (4) of paragraph 11 of this Schedule, or an enforcement notice served by virtue of the last preceding paragraph, 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 forty-eight, to recover the expenses incurred by them in that behalf.
- (2) Where, under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, compensation has been paid equal to the full cost (as estimated for the purposes of that compensation) of taking the steps required by the enforcement notice, the preceding sub-paragraph shall not apply.
- (3) Where compensation has been paid in respect of the land, being either compensation under the said paragraph (b) but not equal to the full cost (as so estimated) of taking those steps, or being compensation under subsection (4) of section three 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.
- 14 In the application of section forty-six to an enforcement notice by virtue of paragraph 11 or paragraph 12 of this Schedule, subsection (1) of that section shall have effect as if for paragraphs (b) and (c) of that subsection there were substituted the following paragraph:—
- “(b) that the works or use to which the enforcement notice related were not works or a use to which section seventy-five of the Act of 1947 applied”.
- 15 (1) The power of the local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of application, or for the continuance of a use of land instituted before

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that date, shall include power to grant such permission in respect of any buildings or other works, or use of land, in respect of which that authority are empowered to serve an enforcement notice by virtue of paragraph 12 of this Schedule.

- (2) Where permission is so granted, paragraphs 11 to 13 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 IV of this Act with respect to the contravention of conditions subject to which planning permission has been granted.
- 16 Where in pursuance of sub-paragraph (3) of paragraph 6 of this Schedule permission is granted for the retention on land of works, or the continuance of a use, authorised as mentioned in that sub-paragraph, such of the provisions of paragraphs 11 to 15 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 IV of this Act with respect to the contravention of conditions subject to which planning permission has been granted.
- 17 The repeal shall not affect the operation of any regulations made under subsection (8) of section seventy-five of the Act of 1947 (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.

General and supplementary provisions

- 18 (1) Where by virtue of any of the provisions of the Tenth Schedule to the Act of 1947, or of any regulations made thereunder, an application, decision, appeal or order made, direction given, or list compiled or approved, under an enactment repealed by that Act fell to be treated as if it had been an application, decision or appeal made, direction given, or list compiled or approved, or (in the case of an order) had been made, or had been included in an order made, under that Act, it shall be treated for the purposes of the Fourteenth Schedule to this Act as if it had been an application, decision or appeal made, direction given, or list compiled or approved, or had been made, or included in an order made, under that Act in accordance with the provisions or regulations in question.
- (2) References in this paragraph to any of the provisions of the Tenth Schedule to the Act of 1947 shall be construed as including references to any such provisions as modified by subsection (2) of section one hundred and fourteen of that Act (which related to London).
- 19 Any reference in this Schedule to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in this Act.
- 20 In this Schedule “planning scheme ” means a scheme under the Town and Country Planning Act, 1932, or under an enactment repealed by that Act, “interim development order” means an order made under subsection (1) of section ten of the said Act of 1932 and “the repeal” means the repeal effected by section two hundred and twenty-three.

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FOURTEENTH SCHEDULE

Section 223.

FURTHER SAVINGS AND TRANSITIONAL PROVISIONS

PART I

GENERAL PROVISIONS

- 1 (1) In so far as any order, regulation, rule, development plan or amendment 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, information or direction issued or given, notice or copy served, published or registered, inquiry held, delegation effected, register kept, requirement imposed, or other thing done, under an enactment repealed by this Act could have been made, recovered, submitted, compiled, granted, issued, given, served, published, registered, held, effected, kept, imposed or done under a corresponding provision of this Act, it shall not be invalidated by the repeal, but shall have effect as if made, recovered, submitted, compiled, granted, issued, given, served, published, registered, held, effected, kept, imposed or done under that corresponding provision.
- (2) 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, the preceding sub-paragraph shall have effect as if any reference in that sub-paragraph to permission granted included a reference to permission deemed to be granted.
- (3) 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 two hundred and seventeen.
- 2 Where any Act (whether passed before, or in the same Session as, this Act) or any document 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 a 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.

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- (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) The repeal 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 this Act, had effect for the purposes of that enactment) as if 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) subsections (1) to (5) of section fifty-two of that Act;
 - (c) the scheme made under section fifty-nine of the Act of 1947 ;
 - (d) Part VII of the Act of 1947;
 - (e) any other enactment which (if contained in an Act) is not repealed by, and re-enacted (with or without modifications) in, this Act, 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 subsection (1) of section eighty-nine 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 the First Schedule to the Act of 1954 and any other enactment having effect for the purposes thereof) as if this Act had not been passed.
- (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.
- 7 (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 the preceding sub-paragraph, any reference in this Act to an order or scheme made or confirmed under an enactment contained in the Highways Act, 1959, or under any other such enactment as is mentioned in the preceding 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

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Highways Act, 1959, or repealed by the other enactment in question, as the case may be.

- 8 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 as including references to things which, by virtue of paragraph 18 of the Thirteenth Schedule to this Act, are to be treated as if done under the Act of 1947.

PART II

PROVISIONS RELATING TO PART I OF ACT

Transfer of property and officers to local planning authorities

- 9 Nothing in this Act shall affect the operation of any regulations made by virtue of section one hundred and one of the Act of 1947 (which enabled provision to be made by regulations for the transfer of property and officers to local planning authorities and other matters consequential upon or supplementary to section four of that Act) in so far as any such regulations do not have effect in accordance with paragraph 1 of this Schedule.

PART III

PROVISIONS RELATING TO PART III OF ACT

Planning permission

- 10 Subsection (1) of section thirteen 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.
- 11 In sections fifteen and sixteen references to an application for planning permission do not include any application made before the sixteenth day of August, nineteen hundred and fifty-nine.
- 12 Where by virtue of the proviso to subsection (3) of section one of the Town and Country Planning (Amendment) Act, 1951 (which related to works for making good war damage which were begun during the period from the appointed day to the thirteenth day of December, nineteen hundred and fifty) any works were treated, immediately before the commencement of this Act, as if planning permission had been granted unconditionally in respect thereof, those works shall be treated for the purposes of this Act as if planning permission had been so granted in respect thereof.

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

- 13 For the purposes of paragraph 1 of this Schedule, any direction given under subsection (3) or subsection (4) of section forty-five of the Act of 1954, whether before or (by virtue of paragraph 6 of this Schedule) after the commencement of this Act, as well as any direction given under section twenty-three of that Act, shall be treated as a direction which could have been given under section twenty-five

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and as having been given under provisions of that Act corresponding to those of section twenty-five.

Maintenance of waste land, etc.

- 14 Subsection (2) of section thirty-six does not apply to any notice served before the twenty-ninth day of August, nineteen hundred and sixty.

Industrial development

- 15 (1) Where an application for planning permission was made before the first day of April, nineteen hundred and sixty, and, by reason that it was made before that day, any provisions of the Local Employment Act, 1960, being provisions corresponding to any of the provisions of sections thirty-eight to forty, did not apply in relation thereto, the corresponding provisions of sections thirty-eight to forty shall not have effect in relation to that application, but without prejudice to the operation, in relation thereto, of any other provisions of those sections.
- (2) For the purposes of the preceding sub-paragraph the definition of “industrial building” in subsection (1) of section two hundred and twenty-one shall be treated as if it were included among the provisions of sections thirty-eight to forty; and where, in accordance with the preceding sub-paragraph, that definition does not apply, “industrial building ” shall have the meaning which was assigned to it by section fifteen of the Distribution of Industry Act, 1945.

Application to determine whether planning permission required

- 16 Notwithstanding anything in subsection (6) of section twenty-two or subsection (7) of section twenty-three as applied by subsection (2) of section forty-three, a decision of the Minister, under any corresponding provisions of the Act of 1947, that any operations or use would constitute or involve development of land, or that an application for planning permission was required in respect thereof, shall not be treated as final for the purposes of any appeal to the court under section twenty-three of the Act of 1947 in relation to those operations or that use.

PART IV

PROVISIONS RELATING TO PART IV OF ACT

Enforcement notices

- 17 (1) The provisions of this paragraph shall have effect in relation to any enforcement notice served before the twenty-ninth day of August, nineteen hundred and sixty, on the owner and occupier of the land to which it related.
- (2) Sections forty-five to forty-nine shall not apply.
- (3) Notwithstanding the repeal, sections twenty-three and twenty-four of the Act of 1947 shall have effect in relation to any such notice as they would have had effect if this Act had not been passed.

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- (4) Section fifty shall not have effect in relation to any such notice if the planning permission in question was granted before the twenty-ninth day of August, nineteen hundred and sixty.
- (5) In the application of section fifty-one to such a notice, for the references in subsections (3) and (4) to section forty-eight there shall be substituted references to subsection (1) of section twenty-four of the Act of 1947, and in subsection (5) of section fifty-one the words from “and no person ” onwards shall be omitted.
- (6) In this paragraph “enforcement notice” does not include a notice served by virtue of section seventy-five of the Act of 1947.

Notices in respect of listed buildings

- 18 (1) The provisions of this paragraph shall have effect in relation to any notice served under subsection (8) of section thirty of the Act of 1947 before the twenty-ninth day of August, nineteen hundred and sixty.
- (2) Subsections (1) and (2) of section fifty-two, and sections fifty-three to fifty-five, shall not apply.
- (3) Notwithstanding the repeal, the provisions of subsections (3) to (5) of section twenty-three of the Act of 1947 and of section twenty-four of that Act, as applied by subsection (8) of section thirty thereof, and any regulations made for the purposes of the last-mentioned subsection, shall have effect in relation to any such notice.

Notices in respect of waste land, etc.

- 19 (1) The provisions of this paragraph shall have effect in relation to any notice served under subsection (1) of section thirty-three of the Act of 1947 before the twenty-ninth day of August, nineteen hundred and sixty.
- (2) Sections fifty-six to sixty shall not apply.
- (3) Notwithstanding the repeal, the provisions of subsections (3) to (5) of section twenty-three of the Act of 1947 and of section twenty-four of that Act, as applied by subsection (2) of section thirty-three thereof, and any regulations made for the purposes of the last-mentioned subsection, shall have effect in relation to any such notice.

Building preservation orders and control of advertisements

- 20 The repeal shall not affect the operation of any order under section twenty-nine of the Act of 1947 which was in force immediately before the twenty-ninth day of August, nineteen hundred and sixty, or any regulations under section thirty-one of that Act which were in force immediately before that day, in so far as any such order or regulations applied (with or without adaptations or modifications) any of the provisions of that Act which were repealed by section forty-eight of the Caravan Sites and Control of Development Act, 1960, and accordingly are not re-enacted in this Act.

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PART V

PROVISIONS RELATING TO PART V OF ACT

Consent of Minister to acquisition, appropriation or disposal of land

21 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 this Act, but without the consent of a Minister then required by that enactment.—

- (a) to acquire land by agreement in pursuance of a contract made before the sixteenth day of August, nineteen hundred and fifty-nine, or
- (b) to appropriate or dispose of land before that day,

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

Land acquired, or authorised to be acquired, under Part IV of Act of 1947

22 (1) The repeal shall not affect the validity of any order authorising the compulsory acquisition of any land—

- (a) under subsection (2) of section thirty-seven 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 subsection (2) of section thirty-eight 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 the said section thirty-eight 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.

(2) The provisions of Part V of this Act shall have effect in relation to any land acquired, or authorised to be acquired, in pursuance of any such order as is mentioned in the preceding sub-paragraph as if—

- (a) 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 sixty-seven ;
- (b) 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 sixty-eight.

23 Section eighty-one shall have effect in relation to land acquired by the Central Land Board under section forty-three of the Act of 1947 as it has effect in relation to land acquired by a local authority for planning purposes (as defined by subsection (1) of section eighty-seven).

24 For the purposes of the construction, in accordance with Part I of this Schedule, of subsections (4) and (5) of section eighty-four, any land acquired by the Central Land Board under Part IV of the Act of 1947 shall be treated as if it had been acquired thereunder by the Minister; and, in relation to land so acquired, the powers conferred by those subsections shall be exercisable by the Minister accordingly.

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- 25 In accordance with Part I of this Schedule, the reference in subsection (1) of section eighty-seven to the acquisition of land under section sixty-eight or section seventy-one includes a reference to the acquisition of land under section thirty-eight or section forty of the Act of 1947 ; and the reference in that subsection to the appropriation of land for purposes for which land can be acquired under section sixty-eight or section seventy-one is a reference to -the appropriation of land for those purposes whether before or after the commencement of this Act.
- 26 The repeal shall not affect the operation of subsection (6) of section forty-three of -the Act of 1947 (which enabled provision to be made by regulations for the keeping of a register of land acquired and disposed of by the Central Land Board) or of any regulations made thereunder, as modified by the Order in Council made under section sixty-three of the Act of 1954 (which provided for the dissolution of the Central Land Board), in so far as that subsection or any such regulations, as so modified, would have had effect if this Act had not been passed.

PART VI

PROVISIONS RELATING TO PART VI OF ACT

Compensation under Part V of Act of 1954

- 27 (1) Subject to the following provisions of this paragraph, for the purposes of the construction of sections one hundred and twelve to one hundred and fifteen in accordance with Part I of this 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 notice registered in respect of, compensation, under provisions of that Act corresponding to those of Part VI of -this Act.
- (2) For the purposes of the construction of section one hundred and twelve in accordance with the preceding sub-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 twenty-one 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 one hundred and thirteen and one hundred and fifteen shall not apply to development in accordance with that permission as modified by the order.

Provision excluding recovery of compensation

- 28 For the purposes of the construction, in accordance with Part I of this Schedule, of subsection (4) of section one hundred and fourteen.—
- (a) the provisions of subsection (6) of section fifty-two of the Act of 1954 as originally enacted, and
- (b) those provisions as applied by any regulations made under subsection (8) of the said section fifty-two,

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as well as the provisions of the said subsection (6) as amended by section fifty-one of the Act of 1959, shall be treated as provisions corresponding to those of section one hundred and ninety.

PART VII

PROVISIONS RELATING TO PART VII OF ACT

Exchequer contribution towards compensation

- 29 For the purposes of the construction of subsection (1) of section one hundred and twenty-one 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 VI of this Act.

Recovery of compensation

- 30 For the purposes of the construction of subsection (3) of section one hundred and twenty-two in accordance with Part I of this Schedule, any grant paid—
- (a) under the provisions of the section substituted by section fifty of the Act of 1954 for section ninety-three 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 ninety-three as in force immediately before the commencement of this Act, shall be treated as a grant paid under provisions corresponding to those of Part XII of this Act.

PART VIII

PROVISIONS RELATING TO PART X OF ACT

Application of s.164 to land acquired by Central Land Board

- 31 In subsection (1) of section one hundred and sixty-four, the reference to land acquired by a Minister, a local authority or statutory undertakers under Part V 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.

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PART IX

PROVISIONS RELATING TO PART XI OF ACT

Orders made and action taken before 16th August, 1959

- 32 (1) Notwithstanding anything in Part I of this Schedule, the provisions of section one hundred and seventy-six shall not have effect in relation to—
- (a) any order made before the sixteenth day of August, nineteen hundred and fifty-nine, 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 taken before the said sixteenth day of 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 one hundred and seventy-nine 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 X of this Act, were required to be taken by the Minister and the appropriate Minister, the reference in the preceding sub-paragraph to the Minister shall be construed as a reference to the Minister and the appropriate Minister.

- 33 Section one hundred and eighty-one does not apply to any decision of the Minister made before the sixteenth day of August, nineteen hundred and fifty-nine, 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 served before 29th August, 1960

- 34 Subsection (1) of section one hundred and seventy-seven shall not apply to any enforcement notice which was served before the twenty-ninth day of August, nineteen hundred and sixty, on the owner and occupier of the land to which it related.
- 35 Subsection (3) of section one hundred and seventy-seven shall not apply to any notice served under subsection (8) of section thirty of the Act of 1947 before the said twenty-ninth day of August; and subsection (4) of section one hundred and seventy-seven shall not apply to any notice served before that day under subsection (1) of section thirty-three of that Act.

Directions under Part V of Act of 1954

- 36 For the purposes of the construction, in accordance with Part I of this Schedule, of paragraph (J) of subsection (3) of section one hundred and seventy-six (but without prejudice to sub-paragraph (1) of paragraph 32 of this Schedule) any direction given on or after the sixteenth day of August, nineteen hundred and fifty-nine, by the Minister under subsection (3) or subsection (4) of section forty-five of the Act of 1954, as well as any direction given by the Minister on or after that day under section twenty-three of that Act, shall be treated as a direction given under provisions of that Act corresponding to the provisions of section twenty-five.

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PART X

PROVISIONS APPLICABLE TO PART XII OF ACT

Exchequer grants to local authorities

- 37 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.

Recovery of sums from acquiring authorities

- 38 (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 the thirtieth day of October, nineteen hundred and fifty-eight.—
- (a) section one hundred and ninety shall not apply ;
- (b) the repeal shall not affect any right of recovering any sum in respect thereof under the provisions of subsection (6) of section fifty-two of the Act of 1954 as originally enacted, or under those provisions as applied by regulations made under subsection (8) of the said section fifty-two.
- (2) Subject to the preceding sub-paragraph, section one hundred and ninety shall have effect in relation to interests in land acquired or sold as therein mentioned 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 twenty-eight 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 one hundred and ninety, and references in section one hundred and ninety to compensation specified in a notice shall be construed accordingly.
- 39 Section one hundred and ninety-one 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 the sixth day of August, nineteen hundred and forty-seven.

Financing of payments under s. 59 of Act of 1947

- 40 Notwithstanding the repeal of section sixty-seven of the Act of 1947, any sums which, apart from this Act, would have fallen to be issued or raised in accordance with subsection (1) or subsection (2) of that section may be so issued or raised as if this Act had not been passed; and any securities created and issued to raise money under that section (whether before or after the commencement of this Act) shall, in accordance with subsection (2) of that section, be deemed for all purposes to have been created and issued under the National Loans Act, 1939.

Financing of payments under Parts I and V of Act of 1954

- 41 The repeal shall not affect the operation of subsections (1) and (2) of section sixty-four of the Act of 1954, in so far as those subsections would have continued to have effect if this Act had not been passed.

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Payments into the Exchequer

- 42 Subsection (4) of section one hundred and ninety-four shall apply to any sums received by the Minister by virtue of subsections (1) to (5) of section fifty-two of the Act of 1954 as it applies to sums received by the Minister by virtue of the provisions mentioned in the said subsection (4).

PART XI

PROVISIONS RELATING TO PART XIII OF ACT

Minerals

- 43 (1) In 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 one hundred and ninety-eight), Regulation 6 (which makes provision as to the assessment of the compensation or consideration for a right to work minerals, but by virtue of the Town and Country Planning Act, 1953, does not apply to any determination of compensation or consideration made after the passing of that Act) is hereby revoked.
- (2) The preceding sub-paragraph shall have effect without prejudice to the operation of any of the other provisions of those Regulations in accordance with Part I of this Schedule.
- 44 (1) Regulation 10 of the Town and Country Planning (Minerals) Regulations, 1954, and section seventy-nine of the Act of 1947 as applied by that regulation, shall (notwithstanding the repeal) have effect after the date of the commencement of this Act in any case where they would have had effect after that date if this Act had not been passed.
- (2) The said Regulation 10, in so far as it has effect in accordance with the preceding sub-paragraph, may be revoked or varied by regulations made under section one hundred and ninety-seven 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.

Ecclesiastical property, settled land, and land of universities and colleges

- 45 For the purposes of the construction of sections two hundred and five and two hundred and six in accordance with Part I of this Schedule, the provisions of section forty-six of the Act of 1954, as well as the provisions of section forty-one of that Act, shall be treated as provisions corresponding to those of section one hundred and twenty-two.

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PART XII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Registration of payments under s. 59 of Act of 1947

- 46 (1) The repeal shall not affect the operation of subsections (1) and (2) of section fifty-seven of the Act of 1954, in so far as those subsections would have continued to have effect if this Act had not been passed.
- (2) In subsection (1) of the said section fifty-seven, the references o subsection (7) of section fifty-two of that Act and to paragraph (a) of the proviso to that subsection shall be construed as including references respectively to subsection (1) and to subsection (2) of section one hundred and ninety-one.

Saving for Act of 1944 as applied by other enactments

- 47 The repeal shall not affect the operation of any provisions of the Act of 1944 as applied by the New Towns Act, 1946.
- 48 (1) This paragraph shall have effect for the purposes of any enactment (not contained in the New Towns Act, 1946) which applies the provisions of section twenty-five 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 thirty-eight of the Interpretation Act, 1889) as applying the provisions of section one hundred and sixty-four, and of subsection (2) of section one hundred and seventy, 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.

Definition of “local authority”

- 49 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 one hundred and fifty-four and the reference thereto in the corresponding definition in subsection (1) of section two hundred and twenty-one shall be disregarded.

Saving for powers of Postmaster-General

- 50 Except as provided by section one hundred and fifty-eight, nothing in the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto or in any order or regulations made thereunder shall affect any powers or duties of the Postmaster-Geineral under the provisions of the Telegraph Acts, 1863 to 1954, 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

- 51 Nothing in the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto shall authorise the execution of any works (whether of construction,

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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 this Act 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 Minister of Transport before the works are begun.

Land Compensation Act, 1961, s. 31

- 52 Any reference in this Act to the power conferred by section thirty-one of the Land Compensation Act, 1961, to withdraw a notice to treat shall, in relation to any notice to treat falling within section forty-one of that Act, be construed as a reference to the corresponding power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919.

“The Minister” in relation to time before 3rd November, 1951

- 53 Any reference in this Act to the Minister—
- (a) in relation to any time before the third day of November, nineteen hundred and fifty-one, but on or after the thirtieth day of January, nineteen hundred and fifty-one, shall be construed as a reference to the Minister of Local Government and Planning, and
 - (b) in relation to any time before the said thirtieth day of January, shall be construed as a reference to the Minister of Town and Country Planning.

Supplementary

- 54 (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 the preceding sub-paragraph, the mention in any of the provisions of this Act (including this Schedule except Part I thereof) of any matter 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.
- 55 Any reference in this Schedule to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in this Act.
- 56 In this Schedule “the repeal ” means the repeal effected by section two hundred and twenty-three.

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FIFTEENTH SCHEDULE

Section 223.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	The whole Act.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	The whole Act, except section forty-six, subsection (8) of section forty-nine, subsection (1) of section one hundred and thirteen, so much of subsection (1) of section one hundred and nineteen as defines the expressions “land ” and “local authority ”, section one hundred and twenty, and so much of the Eighth Schedule as does not consist of amendments of the Town and Country Planning Act, 1944.
2 & 13 Geo. 6. c. 32.	The Special Roads Act, 1949.	Subsections (2) and (4) of section nine.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act, 1950.	In the Fifth Schedule, the entry relating to the Town and Country Planning Act, 1947.
14 & 15 Geo. 6. c. 19.	The Town and Country Planning (Amendment) Act, 1951.	The whole Act.
14 & 15 Geo. 6. c. 60.	The Mineral Workings Act, 1951.	Subsection (1) of section fourteen. Subsections (2) and (3) of section thirty-one. Subsection (3) of section forty-three in so far as it relates to the Town and Country Planning Act, 1947.
1 & 2 Eliz. 2. c. 16.	The Town and Country Planning Act, 1953.	The whole Act.
2 & 3 Eliz. 2. c. 72.	The Town and Country Planning Act, 1954.	Sections one to twenty-nine. Sections thirty-eight to fifty-two. Section fifty-four.

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Session and Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 56.	The Housing Act, 1957	<p>Sections fifty-seven to sixty.</p> <p>Section sixty-one, except subsections (1) and (6).</p> <p>Sections sixty-two to sixty-eight.</p> <p>In section sixty-nine, subsections (3) to (5), and subsections (7) and (8).</p> <p>In section seventy-one, subsection (2) and subsections (4) to (6).</p> <p>The First, Second, Third and Fourth Schedules.</p> <p>The Seventh Schedule, except the entry relating to the Mineral Workings Act, 1951.</p> <p>The Eighth Schedule.</p>
7 & 8 Eliz. 2. c. 25.	The Highways Act, 1959	<p>In the Tenth Schedule, the entry relating to the Town and Country Planning Act, 1944.</p> <p>In the Twenty-second Schedule, the entry relating to the Town and Country Planning Act, 1947.</p>
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act, 1959.	<p>In the Twenty-fourth Schedule, in paragraph 37, the words from “either of the following enactments” to the end of sub-paragraph (a).</p> <p>Sections thirty-one and thirty-two.</p> <p>Sections thirty-five to forty-four.</p> <p>Section fifty-one.</p> <p>Subsections (1) to (3) and subsections (5) and (6) of section fifty-two.</p> <p>Sections fifty-three to fifty-six.</p>

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Session and Chapter	Short Title	Extent of Repeal
3 & 9 Eliz. 2. c. 18.	The Local Employment Act, 1960.	<p>In section fifty-seven, subsections (5), (6), (8) and (9).</p> <p>In section fifty-eight, paragraph (b) of subsection (1) and subsections (2), (5) and (6).</p> <p>The Fifth and Sixth Schedules.</p> <p>In the Seventh Schedule, the entries relating to the Town and Country Planning Act, 1947 and the Town and Country Planning Act, 1954.</p> <p>The Eighth and Ninth Schedules.</p>
3 & 9 Eliz. 2. c. 62.	The Caravan Sites and Control of Development Act, 1960.	<p>Sections sixteen to nineteen.</p> <p>In section twenty-one, the words “and in the Town and Country Planning Act, 1947”.</p> <p>Subsection (1) of section twenty-two.</p> <p>Subsections (1) and (3) of section twenty-six.</p> <p>Sections twenty-one and twenty-two.</p> <p>Sections thirty-three to forty-seven.</p> <p>Subsection (2) of section forty-eight.</p> <p>The Third Schedule.</p> <p>The Fourth Schedule, except the entry relating to the Public Health Act, 1936.</p>

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Small Tenements Recovery Act, 1838	1 & 2 Vict. c. 74.
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
City of London Sewers Act, 1848	11 & 12 Vict. c. clxiii.

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Short Title	Session and Chapter
Metropolis Management Act, 1855	18 & 19 Vict. c. 120.
Burial Act, 1857	20 & 21 Vict. c. 81.
Metropolis Management Amendment Act, 1862	25 & 26 Vict. c. 102.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Public Works Loans Act, 1875	38 & 39 Vict. c. 89.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Metropolis Management Act, 1862, Amendment Act, 1890	53 & 54 Vict. c. 54.
Finance Act, 1895	58 & 59 Vict. c. 16.
National Trust Act, 1907	7 Edw. 7. c. cxxxvi.
Development and Road Improvement Funds Act, 1909	9 Edw. 7. c. 47.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Mines (Working Faculties and Support) Act, 1923	13 & 14 Geo. 5. c. 20.
Town Planning Act, 1925	15 & 16 Geo. 5. c. 16.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925.	15 & 16 Geo. 5. c. 22.
Universities and College Estates Act, 1925	15 & 16 Geo. 5. c. 24.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Roads Improvement Act, 1925	15 & 16 Geo. 5. c. 68.
Rating and Valuation (Apportionment) Act, 1928	18 & 19 Geo. 5. c. 44.
Town and Country Planning Act, 1932	22 & 23 Geo. 5. c. 48.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Restriction of Ribbon Development Act, 1935	25 & 26 Geo. 5. c. 47.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Green Belt (London and Home Counties) Act, 1938	1 & 2 Geo. 6. c. xciii.
Limitation Act, 1939	2 & 3 Geo. 6. c. 21.

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Short Title	Session and Chapter
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Compensation (Defence) Act, 1939	2 & 3 Geo. 6. c. 75.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Restriction of Ribbon Development (Temporary Development) Act, 1943	6 & 7 Geo. 6. c. 34.
Town and Country Planning Act, 1944	7 & 8 Geo. 6. c. 47.
Distribution of Industry Act, 1945	8 & 9 Geo. 6. c. 36.
Requisitioned Land and War Works Act, 1945	8 & 9 Geo. 6. c. 43.
Statutory Orders (Special Procedure) Act, 1945	9 & 10 Geo. 6. c. 18.
Building Restrictions (War Time Contraventions) Act, 1946	9 & 10 Geo. 6. c. 35.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Forestry Act, 1947	10 & 11 Geo. 6. c. 21.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Public Utilities Street Works Act, 1950	14 Geo. 6. c. 39.
Town and Country Planning (Amendment) Act, 1951	14 & 15 Geo. 6. c. 19.
Forestry Act, 1951.	14 & 15 Geo. 6. c. 61.
Town and Country Planning Act, 1953	1 & 2 Eliz. 2. c. 16.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Town and Country Planning Act, 1954	2 & 3 Eliz. 2. c. 72.
London County Council (Loans) Act, 1955	4 & 5 Eliz. 2. c. xxvi.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
City of London (Various Powers) Act, 1958	6 & 7 Eliz. 2. c. xlvi.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.
Tribunals and Inquiries Act, 1958	6 & 7 Eliz. 2. c. 66.

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Short Title	Session and Chapter
Opencast Coal Act, 1958	6 & 7 Eliz. 2. c. 69
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2. c. 53.
Local Employment Act, 1960	8 & 9 Eliz. 2. c. 18.
Caravan Sites and Control of Development Act, 1960	8 & 9 Eliz. 2. c. 62.
Land Compensation Act, 1961	9 & 10 Eliz. 2. c. 33.