

SCHEDULES

FIRST SCHEDULE

Section 2.

PRELIMINARY PROCEEDINGS

- 1 Before the order is made or confirmed, the following notice shall be given by advertisement in the London Gazette and, in the case of an order relating to a particular area, in at least one newspaper circulating in that area, that is to say—
 - (a) in the case of an order to be made on the application of any person, notice of the purport of the application shall be given by the applicant;
 - (b) in the case of an order to be confirmed on the application of any person, notice of the order as submitted for confirmation shall be given by the applicant;
 - (c) in the case of an order to be made otherwise than on the application of any person, notice of the order as proposed to be made shall be given by the authority empowered to make it.
- 2 Every such notice shall specify the time, not being less than twenty-eight days, within which and the manner in which objections may be made to the application or to the order, as the case may be.
- 3 If any such objection as aforesaid is duly made and is not withdrawn, the authority empowered to make or confirm the order shall take the objection into consideration, and shall cause a local inquiry to be held unless they are satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.
- 4 Notice of any such inquiry as aforesaid shall be given in such manner as the authority empowered to make or confirm the order may direct, and all persons interested shall be permitted to attend the inquiry and make objections; and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to evidence and costs) shall apply in relation to any such inquiry as if for any reference therein to the department there were substituted a reference to the authority empowered to make or confirm the order.
- 5 For the purposes of paragraph 1 of this Schedule, a notice shall be sufficient notice of an order if it sets out the purport of the order and specifies a place where copies thereof may be inspected free of charge at all reasonable hours.

SECOND SCHEDULE

Section 8.

ENACTMENTS CONFERRING POWER TO MAKE ORDERS IN THE CASE
OF SECTION WHICH SPECIAL PARLIAMENTARY PROCEDURE IS
SUBSTITUTED BY THIS ACT FOR PROVISIONAL ORDER PROCEDURE

Enactment.

Amendment.

The Town and Country Planning Act, 1944

Status: This is the original version (as it was originally enacted).

| <i>Enactment.</i> | <i>Amendment.</i> |
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| | (7 & 8 Geo. 6. c. 47). |
| Subsections (4) and (5) of section thirteen. | For the words " provisional only and shall be of no effect until confirmed by Parliament", wherever those words occur, there shall be substituted the words " subject to special parliamentary procedure ". |
| Subsections (1) and (2) of section fourteen. | |
| Subsection (7) of section twenty-five. | |
| Subsection (6) of section twenty-six. | |
| Subsection (4) of section twenty-seven. | |
| Subsection (3) of section thirty-five. | |
| Paragraphs (d) and (e) of subsection (1) of section thirty-six. | |
| Section sixteen | For subsection (4) there shall be substituted the following subsection :— “(4) This section shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid shall have effect in relation to an order to which that Act applies as if in subsection (1) for the reference to the date on which notice of the making or confirmation of the order by the Minister having jurisdiction to make or confirm it is first published in accordance with the provisions of this Act in that behalf there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in subsection (2) the words ' and shall become operative on the date on which such notice as aforesaid is first published as aforesaid' were omitted.” |
| | The Town and Country Planning (Scotland) Act, 1945 (8 & 9 Geo. 6. c. 33). |
| Subsections (4) and (5) of section thirteen. | For the words " provisional only and shall be of no effect until confirmed by Parliament ", wherever those words occur, there shall be substituted the words " subject to special parliamentary procedure. " |
| | Subsections (1) and (2) of section fourteen. |
| | Subsection (7) of section twenty-four. |

| <i>Enactment.</i> | <i>Amendment.</i> |
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| Section fifteen | <p>Subsection (6) of section twenty-five.</p> <p>Subsection (4) of section twenty-six.</p> <p>Subsection (3) of section thirty-four.</p> <p>Paragraphs (d) and (e) of subsection (1) of section thirty-five.</p> <p>For, subsection (5) there shall be substituted the following subsection :—</p> <p>“(5) This section shall not apply to an order which is confirmed by Act of Parliament under subsection (4) of section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, but except as aforesaid shall have effect in relation to an order to which that Act applies as if for the reference in subsection (1) to the date on which notice of the making or confirmation of the order by the Minister having jurisdiction to make or confirm it is first published in accordance with the provisions of this Act in that behalf, there were substituted a reference to the date on which the order comes into operation under the Statutory Orders (Special Procedure) Act, 1945, and as if subsection (4) were omitted.”</p> |
| Section twenty-four | <p>In subsection (4) for the words from " considering the objection " to "for the purpose " there shall be substituted the words " causing an inquiry to be held ".</p> <p>In subsection (5) for the words from " consider the objection " to " for the purpose " there shall be substituted the words " cause an inquiry to be held ".</p> |
| Section fifty | <p>After section fifty there shall be inserted the following section :—</p> <p>“50(1) Any inquiry in relation to an Order under this Act which in certain events becomes subject to special parliamentary procedure, and any hearing in connection with an appeal against the refusal, or the grant, subject to conditions, of an</p> |

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Enactment.

Amendment.

interim development application by Statutory undertakers, or with such an application made by such undertakers and referred to the Secretary of State, or with the revocation or modification of permission for interim development granted to such undertakers shall, if the Ministers concerned so direct, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936 ; and any direction so given shall be deemed to have been given under section two, as read with section ten of the Statutory Orders (Special Procedure) Act, 1945.

- (2) Paragraphs 4 and 5 of the First Schedule to this Act shall not apply in relation to any order under this Act which in certain events becomes subject to special parliamentary procedure.
- (3) Nothing in subsections (2) to (9) of the last preceding section shall apply to any inquiry under this section by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936.
- (4) The provisions of the Statutory Orders (Special Procedure) Act, 1945, with regard to the publication, of notices in the Edinburgh Gazette and in a newspaper, shall, notwithstanding anything in that Act contained, not apply to any order under this Act which is subject to special parliamentary procedure.”

Second Schedule

In paragraph 2 after the word " publish " there shall be inserted the words " by Gazette and local advertisement " ; sub-paragraph (3) shall be omitted.

Third Schedule

In paragraph 3 for the words in sub-paragraph (2) from " afford that person " to " for the purpose", there shall be substituted the words " cause an inquiry to be held ".

| <i>Enactment.</i> | <i>Amendment.</i> |
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| | (8 & 9 Geo. 6. c. 38). |
| Subsection (9) of section three. | For the words " provisional only and shall be of no effect until confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ". |
| | The Water Act, 1945 (8 & 9 Geo. 6. c. 42). |
| Subsection (5) of section nine. | For the words " provisional only and not have effect until they are confirmed by Parliament", wherever those words occur, there shall be substituted the words " subject to special parliamentary procedure ". |
| | Subsection (4) of section ten. Subsection (3) of section thirty-two. Subsection (2) of section thirty-three. |
| Subsections (2) and (5) of section twelve. | For the words " provisional only and not have effect until it is confirmed by Parliament", wherever those words occur, there shall be substituted the words " subject to special parliamentary procedure ". |
| | Subsection (7) of section twenty-four. Subsections (6) and (7) of section twenty-six. |
| Section fourteen | In subsection (2), for the words " provisional only and shall not have effect until they are confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ". |
| First Schedule | In paragraphs 8, 17 and 23, for the words " provisional only and shall not have effect until it is confirmed by Parliament ", wherever those words occur, there shall be substituted the words " subject to special parliamentary procedure ". |
| | In paragraphs 9 and 18, for the words " notification and confirmation ", in both places where those words occur, there shall be substituted the words " and notification ", and after the word " Schedule ", in both places where that word occurs, there shall be inserted the words " including any costs incurred in relation to any such order under the Statutory Orders (Special Procedure) Act, 1945 ". |

Status: This is the original version (as it was originally enacted).

Enactment.

Amendment.

Second Schedule

In paragraph 24, for the words " and the confirmation of orders thereunder" there shall be substituted the words " including any costs incurred in relation to any such order under the Statutory Orders (Special Procedure) Act, 1945 ".

At the end of the Schedule there shall be added the following paragraph :—

“11 The provisions of paragraphs 8 to 10 of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid those provisions shall have effect in relation to an order to which that Act applies as if in paragraph 8 for the reference to the publication of the notice of confirmation of the order there were substituted a reference to the date on which the order becomes operative under that Act, and as if in paragraph 9 the words from ' and shall become operative ' to the end of the paragraph were omitted.”