

1982 No. 86 (C. 4)**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES
TOWN AND COUNTRY PLANNING, SCOTLAND
The Town and Country Planning (Minerals) Act 1981
(Commencement No. 1) Order 1982***Made - - - - 26th January 1982*

The Secretary of State for the Environment (as respects England), the Secretary of State for Wales (as respects Wales) and the Secretary of State for Scotland (as respects Scotland), in exercise of their powers under section 35 of the Town and Country Planning (Minerals) Act 1981(a), hereby make the following order:—

1. This order may be cited as the Town and Country Planning (Minerals) Act 1981 (Commencement No. 1) Order 1982.

2. The provisions of the Town and Country Planning (Minerals) Act 1981 which are specified in column 1 of the Schedule to this order (as respects England and Wales as specified in Part I, and as respects Scotland as specified in Part II of the said Schedule respectively) and which relate to the subject matter specified in column 2 thereof shall come into force on 22nd February 1982.

SCHEDULE

PART 1

ENGLAND AND WALES

Provisions of the Act	Subject matter of the provisions
IN PART I	
In Section 2, subsections (2), (3) and (4)	Definition of mineral planning authority: allocation of enforcement powers in respect of minerals to mineral planning authorities;
Section 4	Notification of applications for planning permission;
Section 5	Imposition of aftercare conditions on planning permission;
Section 6	Exclusion of certain planning permissions for the winning and working of minerals from the provisions of section 41 of the Town and Country Planning Act 1971(a);
Section 7	Duration of planning permission for winning and working of minerals;
Section 12	Extension of right to compensation to owners of minerals rights where planning permission revoked or modified by order under section 45 of the Town and Country Planning Act 1971;
Section 34, so far as it applies to the provisions of Schedule 1 which are specified below.	Consequential amendments to the Town and Country Planning Act 1971 and the Local Government Act 1972(b).
In Schedule 1— Paragraphs 1, 2 and 3;	
In paragraph 11— subparagraph (a); in subparagraph (c) the definition of “mineral planning authority”; and in subparagraph (e) the definition of “restoration condition”;	
Paragraph 12.	

(a) 1971 c. 78.

(b) 1972 c. 70.

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PART II
SCOTLAND

Provision of the Act	Subject matter of the provisions
IN PART II	
Section 21	Notification of applications for planning permission;
Section 22	Imposition of aftercare conditions on planning permission;
Section 23	Exclusion of certain planning permissions for the winning and working of minerals from the provisions of section 38 of the Town and Country Planning (Scotland) Act 1972(a);
Section 24	Duration of planning permission for winning and working of minerals;
Section 34, so far as it applies to the provisions of Schedule 2 which are specified below.	Consequential amendments to the Town and Country Planning (Scotland) Act 1972.
In Schedule 2:— Paragraphs 1, 2 and 3;	
In Paragraph 11— subparagraph (a); and in paragraph (e) the definition of "restoration condition".	

20th January 1982.

Michael R. D. Heseltine,
Secretary of State for the Environment.

21st January 1982.

Nicholas Edwards,
Secretary of State for Wales.

26th January 1982.

George Younger,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation certain provisions of the Town and Country Planning (Minerals) Act 1981, including consequential amendments to the Town and Country Planning Act 1971, the Local Government Act 1972 and the Town and Country Planning (Scotland) Act 1972. The provisions in Part I of the Schedule to the Order apply to England and Wales, those in Part II to Scotland.

In England and Wales the following provisions are brought into operation:—

- (a) Subsections (2), (3) and (4) of section 2 which specifies the authorities that are to be the “mineral planning authority” for the purposes of the Act and allocates to those authorities the function in relation to minerals of the issuing of enforcement notices under section 87 of the Town and Country Planning Act 1971 and serving stop notices under section 90 of that Act;
- (b) Section 4 which sets out the procedures for the notification of applications for planning permission for the winning and working of minerals;
- (c) Section 5 which provides for the imposition of aftercare conditions on the grant of planning permission for the winning and working of minerals;
- (d) Section 6 which excludes certain planning permissions for the winning and working of minerals from the provisions of section 41 of the Town and Country Planning Act 1971;
- (e) Section 7 which provides that planning permission for the winning and working of minerals shall be subject to a condition as to the duration of the development; and
- (f) Section 12 which extends the right to compensation to owners of mineral rights where planning permission is modified or revoked by an order made under section 45 of the Town and Country Planning Act 1971.

Sections 21, 22, 23 and 24 (which contain provisions similar to those of sections 4, 5, 6 and 7 referred to above) are brought into operation for Scotland.

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