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STATUTORY INSTRUMENTS

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**1991 No. 2067 (C.61)**

**ACQUISITION OF LANDHIGHWAYS,  
ENGLAND AND WALES  
TOWN AND COUNTRY  
PLANNING, ENGLAND AND WALES**

**The Planning and Compensation Act 1991 (Commencement  
No.1 and Transitional Provisions) Order 1991**

*Made - - - - 9th September 1991*

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 the powers conferred on them by section 84(2) and (3) of the Planning and Compensation Act 1991<sup>(1)</sup> and all other powers enabling them in that behalf, hereby make the following Order—

**Citation**

1. This Order may be cited as the Planning and Compensation Act 1991 (Commencement No. 1 and Transitional Provisions) Order 1991.

**Interpretation**

2. In this Order—

“commencement date” means 25th September 1991, and

“the 1991 Act” means the Planning and Compensation Act 1991.

**Commencement**

3. Subject to article 4, the following provisions of the 1991 Act shall come into force on 25th September 1991—

section 15;

section 17;

section 18;

section 21;

section 22;  
 section 25, in so far as it relates to paragraph 1 of Part I of Schedule 3;  
 section 26;  
 section 29;  
 section 31(1), (4) (so far as that subsection is not yet in force), (5) and (6);  
 section 32, in so far as it relates to paragraphs 8, 9(2)(c), 10(1), 36, 51, 54(1), (3)(a), 56 and 57(1), (2)(b), (3)(b) and (4) of Schedule 7;  
 sections 62 to 69;  
 section 70, except in so far as it relates to paragraph 32 of Schedule 15;  
 section 80 as it applies in relation to England and Wales, except in so far as it relates to the entries relating to the Planning (Hazardous Substances) Act 1990(2) in Part I of Schedule 18;  
 section 81; and  
 section 84(6), in so far as it relates to Part II of Schedule 19 (so far as it is not yet in force), Parts III and V of that Schedule and the repeals in Parts I and IV of that Schedule specified in Schedule 1 to this Order.

#### **Cases where commencement limited**

4.—(1) The provision of the 1991 Act mentioned in Part I of Schedule 2 to this Order shall not have effect in a case where any of the following events occurs before the commencement date in relation to the matter specified—

- (a) in relation to a compulsory purchase order not made by a Minister, the compulsory purchase order is made;
- (b) in relation to a compulsory purchase order made by a Minister, paragraphs 2 and 3 of Schedule 1 to the Acquisition of Land Act 1981(3) are complied with;
- (c) in relation to a purchase notice within the meaning of Chapter I of Part VI of the Town and Country Planning Act 1990(4), the event mentioned in section 137(1) of that Act occurs; and
- (d) in relation to a blight notice within the meaning of Chapter II of that Part, the land becomes blighted land, within the meaning of that Chapter.

(2) A provision of the 1991 Act mentioned in the first column of an entry in Part II of Schedule 2 to this Order shall not have effect in a case where the date shown against that provision in the second column of the entry is, in relation to that case, before the commencement date.

(3) In Part II of that Schedule, except where a contrary intention appears,—

- (a) an expression used in an entry in the second column which is also used in the provision of an Act mentioned in the corresponding entry in the first column has the same meaning as in that provision; and
- (b) a reference in an entry in the second column to a provision or Part of an Act is a reference to a provision or Part of the Act (other than the 1991 Act) mentioned in the corresponding entry in the first column.

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(2) 1990 c. 10.

(3) 1981 c. 67.

(4) 1990 c. 8.

Signed by authority of the Secretary of State for the Environment

9th September 1991

*G. S. K. Young*  
Minister of State,  
Department of the Environment

5th September 1991

*David Hunt*  
Secretary of State for Wales

6th September 1991

*Ian Lang*  
Secretary of State for Scotland

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## SCHEDULE 1

Article 3

## PART I

## REPEALS IN PART I OF SCHEDULE 19 (PLANNING: ENGLAND AND WALES)

Chapter	Short Title	Extent of Repeal
1990 c. 8.	Town and Country Planning Act 1990.	<p>Section 55(6).</p> <p>In section 97(5) the words from “and Part II of Schedule 5” to the end.</p> <p>Section 219(6)</p> <p>In section 336(1) the definitions of “development consisting of the winning and working of minerals”, “mineral compensation modifications”, “relevant order”, “restriction on the winning and working of minerals” and “special consultations”.</p> <p>In Schedule 1, paragraph 1(2).</p> <p>In Schedule 5, in paragraph 1(6) “consisting of the winning and working of minerals”.</p> <p>Schedule 11.</p> <p>In Schedule 16, in Part III, the entries relating to sections 312(2) and 324(4).</p>
1990 c. 9.	Planning (Listed Buildings and Conservation Areas) Act 1990.	In section 9(5) “on indictment”.

## PART II

## REPEAL IN PART IV OF SCHEDULE 19 (SCOTLAND)

Chapter	Short Title	Extent of Repeal
1973 c. 56.	Land Compensation (Scotland) Act 1973.	In Part II of Schedule 2, the entry for section 33(4) of

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Chapter	Short Title	Extent of Repeal
		the Land Compensation Act 1973(5).

SCHEDULE 2

Article 4

CASES WHERE COMMENCEMENT LIMITED

PART I

1. Section 63 (advance payments of compensation and interest).
2. Section 64 (planning assumptions in connection with highway schemes).
3. Section 67 (time limit on validity of notice to treat).
4. Section 70 in so far as it relates to the following paragraphs of Schedule 15—  
 paragraph 1 (rules for assessing compensation),  
 paragraph 2 (expenses in acquiring replacement land),  
 paragraph 4 (acquisition of part from tenants at will etc.),  
 paragraph 6 (farm loss payments),  
 paragraph 7 (notice to quit agricultural holding: right to opt for notice of entry compensation),  
 paragraphs 9 to 12 (amendments to the Acquisition of Land Act 1981(6)),  
 paragraph 19 (diocesan glebe land),  
 paragraph 24 (advance payments of compensation and interest), and  
 paragraph 27 (diocesan glebe land.)
5. Section 80(1) (interest on compensation) in so far as it relates to section 31(3) of the Land Compensation Act 1961(7).
6. Section 84(6) in so far as it relates to the repeals in Part III of Schedule 19 in section 5 of the Land Compensation Act 1961 and sections 34 and 52 of the Land Compensation Act 1973.

PART II

Provision commenced	Cases in which provision has no effect if date before commencement date
1. Section 17(1) (power of local planning authority to decline to determine applications).	1. The date the application is received
2. Section 31(4) (planning compensation repeals: minor and consequential amendments) in so far as it relates to the following paragraphs of Schedule 6—	2

(5) 1973 c. 26.  
 (6) 1981 c. 67.  
 (7) 1961 c. 33.

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Provision commenced	Cases in which provision has no effect if date before commencement date
(1) paragraphs 11, 12, 29, 30, 38, and 49;	(1) The date a claim for compensation is duly made in accordance with section 127 of the Town and Country Planning Act 1990 <sup>(8)</sup> ;
(2) paragraphs 14 and 17.	(2) in a case where— <ul style="list-style-type: none"> <li>(a) notice under section 110 of that Act is given in consequence of an order under section 97 of that Act, the date of that order;</li> <li>(b) such notice is given in a case falling within section 108 of that Act, the date of the relevant planning decision refusing planning permission or granting it conditionally.</li> </ul>
3. Section 65 (certification of appropriate alternative development).	3. The date any of the circumstances mentioned in section 22(2) of the Land Compensation Act 1961 arises.
4. Section 69 (home loss payments).	4.—(1) In a case where paragraph (a) or (b) of subsection (1) of section 29 of the Land Compensation Act 1973 <sup>(9)</sup> applies, the date the event mentioned in paragraph (a) or (b) occurs; <ul style="list-style-type: none"> <li>(2) in a case where paragraph (c) or (d) of that subsection applies, the date the land is acquired or (as the case may be) appropriated; and</li> <li>(3) in a case where paragraph (e) of that subsection applies, the date the proceedings for the order for possession mentioned in that paragraph are started.</li> </ul>
5. Section 70 (further amendments relating to land compensation) in so far as it relates to the following paragraphs of Schedule 15—	5
(1) paragraphs 15 to 18 (certification of appropriate alternative development);	(1) The date any of the circumstances mentioned in section 22(2) of the Land Compensation Act 1961 arises;
(2) paragraph 20 (diocesan glebe land);	(2) the relevant date within the meaning of Part I of the Land Compensation Act 1973;
(3) paragraphs 22 and 23 (home loss payments);	(3) the relevant date shown in the entry in paragraph 4 of this column for section 69 of the 1991 Act;
(4) paragraphs 30 and 31 (diocesan glebe land).	(4) the relevant date shown in the entry in paragraph 6 of this column in relation to compensation payable under (as the case may

<sup>(8)</sup> 1990 c. 8.

<sup>(9)</sup> Section 29 was amended by paragraph 38 of Schedule 13 to the Housing Act 1974 (c. 44), section 9(3) of the Housing and Planning Act 1986 (c. 63), paragraph 24 of the Housing (Consequential Provisions) Act 1985 (c. 71) and Part II of Schedule 12 to the Local Government and Housing Act 1989 (c. 42).

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Provision commenced	Cases in which provision has no effect if date before commencement date
	be) Part IV, section 186, Part VIII (except section 204) or section 250 of the Town and Country Planning Act 1990 or section 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990 <b>(10)</b> .
<b>6.</b> Section 80(1) (interest on compensation) in so far as it relates to—	<b>6</b>
(1) section 11(3) of the Compulsory Purchase Act 1965 <b>(11)</b> ;	(1) The date of entry;
(2) section 10(4)(a) of the Forestry Act 1967 <b>(12)</b> ;	(2) the date the application for a felling licence is refused;
(3) section 18(1)(a) and (b) of the Reservoirs Act 1975 <b>(13)</b> ;	(3) the date of entry on the land;
(4) section 17(5) of the Land Drainage Act 1976 <b>(14)</b> (including that provision as applied by section 33(4) or 39(4) of that Act) and sections 44(3) and 93(7) of that Act;	(4) the date the power under (as the case may be) section 17, 33(2) or 39, Part III or section 93 is exercised;
(5) section 7 of the Ancient Monuments and Archaeological Areas Act 1979 <b>(15)</b> ;	(5) the date the scheduled monument consent is refused or granted subject to conditions;
(6) section 9 of that Act;	(6) the date the works cease to be authorised;
(7) section 46 of that Act;	(7) the date of entry on the land;
(8) section 23 of the Highways Act 1980 <b>(16)</b> ;	(8) the date mentioned in this paragraph of this column for the relevant provision in Part V of the Highways Act 1980 which is applied by section 23;
(9) section 28 of that Act;	(9) the date of the public path creation order;
(10) section 73(9) of that Act;	(10) the date the improvement line is prescribed;
(11) section 74(8) of that Act;	(11) the date the building line is prescribed;
(12) section 77(2) of that Act;	(12) the date the damage is sustained;
(13) section 79(11) and (12) of that Act;	(13) the date of the notice;
(14) section 126(2) of that Act;	(14) the date the damage is suffered;
(15) section 231 of that Act;	(15) the date the damage is sustained
(16) section 292(1) of that Act;	(16) the date the power under (as the case may be) section 289 or 291 is exercised;

**(10)** 1990 c. 9.  
**(11)** 1965 c. 56.  
**(12)** 1967 c. 10.  
**(13)** 1975 c. 23.  
**(14)** 1976 c. 70.  
**(15)** 1979 c. 46.  
**(16)** 1980 c. 66.

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Provision commenced	Cases in which provision has no effect if date before commencement date
(17) section 57 of the Public Health (Control of Disease) Act 1984 <sup>(17)</sup> ;	(17) the date the power under a provision of the Act is exercised;
(18) section 106 of the Building Act 1984 <sup>(18)</sup> ;	(18) the date the power under a provision of the Act is exercised;
(19) paragraph 5 of Schedule 14 to the Water Act 1989 <sup>(19)</sup> ;	(19) the date of the drought order;
(20) paragraph 6(2), (3), (4) and (5) of that Schedule;	(20) the date of the order under section 131;
(21) paragraph 6(1), (2) and (3) of Schedule 19 to that Act;	(21) the date the power under (as the case may be) paragraph 4 or 5 of the Schedule is exercised;
(22) paragraph 8(2)(b) of that Schedule;	(22) the date the power under paragraph 8 of the Schedule is exercised;
(23) paragraph 8(1), (2), (3) and (4) of Schedule 20 to that Act;	(23) the date of the order under section 155;
(24) (subject to the next sub-paragraph) section 107(1) of the Town and Country Planning Act 1990 <sup>(20)</sup> ;	(24) the date of the order under section 97;
(25) section 107(1) of that Act (as applied by section 108(1) of that Act);	(25) the date the planning permission is refused or granted subject to conditions;
(26) section 115 of that Act;	(26) the date of the order under section 102;
(27) section 144(2)	(27) the date of the purchase notice;
of that Act;	
(28) section 186 of that Act;	(28) the date of the stop notice;
(29) section 203 of that Act;	(29) the date the consent required by the tree preservation order is refused or granted subject to conditions;
(30) section 204 of that Act;	(30) the date of the direction;
(31) section 223 of that Act;	(31) the date the works are begun to be carried out;
(32) section 250 of that Act;	(32) the date of the order under section 249(2);
(33) section 279(1) of that Act;	(33) the date of the decision made in accordance with section 266 or (as the case may be) of the order under section 97;
(34) section 279(2) of that Act;	(34) the date of the notice under section 271(2);

<sup>(17)</sup> 1984 c. 22.

<sup>(18)</sup> 1984 c. 55.

<sup>(19)</sup> 1989 c. 15.

<sup>(20)</sup> 1990 c. 8.



Provision commenced	Cases in which provision has no effect if date before commencement date
(35) section 28 of the Planning (Listed Buildings and Conservation Areas) Act 1990 <sup>(21)</sup> ;	(35) the date of the order under section 23;
(36) section 29 of that Act.	(36) the date of building preservation notice.
7. Section 84(6) in so far as it relates to—	7
(1) the repeals in Part II of Schedule 19 (planning compensation repeals) of or in—	(1)
(a) (a) sections 80, 81, 311(1)(b), 312 and 336(1) of the Town and Country Planning Act 1990;	(a) (a) The date a claim for compensation is duly made in accordance with section 127;
(b) (b) section 113 of the 1990 Act.	(b) (b) in a case where— (i) notice under section 110 is given in consequence of an order under section 97, the date of that order; (ii) such notice is given in a case falling within section 108, the date of the relevant planning decision refusing planning permission or granting it conditionally.
(2) the repeals in Part III of Schedule 19 in—	(2)
(a) (a) sections 17 and 22 of the Land Compensation Act 1961 (certification of appropriate alternative development);	(a) (a) the date any of the circumstances mentioned in section 22(2) arises;
(b) (b) in section 29(1) of the Land Compensation Act 1973 <sup>(22)</sup> and section 9(3) of the Housing and Planning Act 1986 (home loss payments).	(b) (b) the relevant date in the entry in paragraph 4 of this column for section 69 of the 1991 Act.

<sup>(21)</sup> 1990 c. 9

<sup>(22)</sup> 1973 c. 26; section 29 was amended by paragraph 38 of Schedule 13 to the Housing Act 1974 (c. 44), section 9(3) of the Housing and Planning Act 1986 (c. 63), paragraph 24 of the Housing (Consequential Provisions) Act 1985 (c. 71) and Part II of Schedule 12 to the Local Government and Housing Act 1989 (c. 42).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 3 of this Order brings into force on 25th September 1991 the following provisions of the Planning and Compensation Act 1991—

- section 15 (assessment of environmental effects),
- section 17 (power of local planning authority to decline to determine applications),
- section 18 (dismissal of appeals in cases of undue delay),
- section 21 (mines and waste),
- section 22 (old mining permissions),
- section 25 (listed buildings, conservation areas and hazardous substances), in so far as it relates to paragraph 1 of Part 1 of Part I of Schedule 3 (changes relating to enforcement),
- section 26 (status of development plans),
- section 29 (functions of Historic Buildings and Monuments Commission),
- section 31(1), (4) (so far as that subsection is not yet in force), (5) and (6) (planning compensation repeals),
- section 32 (planning minor and consequential amendments), in so far as it relates to paragraphs 8, 9(2)(c), 10(1), 36, 51, 54(1), 3(a), 56 and 57(1), (2)(b), (3)(b) and (4) of Schedule 7,
- sections 62 to 70 (land compensation etc.) except in so far as section 70 relates to paragraph 32 of Schedule 15,
- section 80 (interest on compensation and payments on account) except in so far as relates to the Planning (Hazardous Substances) Act 1990,
- section 81 (abolition of new street byelaws), and
- section 84(6) (repeals), in so far as it relates to Part II of Schedule 19 (except repeals already in force by virtue of section 84(4)), Parts III and V of that Schedule and the repeals in Parts I and IV of that Schedule specified in Schedule 1 to this Order.

Article 4 of, and Schedule 2 to, the Order limit, as specified there, the commencement of—

- section 17(1) (power of local planning authority to decline to determine applications),
- sections 63 to 65, 67, 69 (land compensation etc.),
- section 80(1) (interest on compensation),
- paragraphs 11, 12, 14, 17, 29, 30, 38, and 49 of Schedule 6 (planning compensation repeals: minor and consequential amendments),
- paragraphs 1, 2, 4, 6, 7, 9 to 12, 15 to 20, 22 to 24, 27, 30 and 31 of Schedule 15 (amendments relating to land compensation), and
- the repeals in Schedule 19 of or in sections 5, 17, and 22 of the Land Compensation Act 1961, sections 29(1), 34 and 52 of the Land Compensation Act 1973, section 9 of the Housing and Planning Act 1986 and sections 80, 81, 113, 311(1)(b), 312 and 336(1) of the Town and Country Planning Act 1990.

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Section 31(5) of the 1991 Act prevents the repeals effected by section 31(1) of that Act affecting any claim for compensation under Part V of the Town and Country Planning Act 1990 duly made before 25th September 1991.