
STATUTORY INSTRUMENTS

1991 No. 2905 (C.90)

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Planning and Compensation Act 1991 (Commencement
No. 5 and Transitional Provisions) Order 1991**

Made - - - - 10th December 1991

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 84(2) and (3) of the Planning and Compensation Act 1991(1) 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. 5 and Transitional Provisions) Order 1991.

Interpretation

2. In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(2);

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

Provisions coming into force on 2nd January 1992

3. Subject to article 5, the following provisions of the 1991 Act shall come into force on 2nd January 1992—

section 1;

section 3, so far as it is not yet in force;

section 4, except so far as it relates to breach of condition notices;

sections 5 and 6, so far as they are not yet in force;

sections 7 to 9;

(1) 1991 c. 34.

(2) 1990 c. 8.

section 11;

section 14;

section 19, so far as it is not yet in force, except to the extent that it relates to paragraph 4(1) of Schedule 1 to the 1990 Act as it concerns applications for consent to the display of advertisements;

sections 23 and 25, so far as they are not yet in force;

section 32, so far as it relates to the provisions of Schedule 7 set out in the first column of Schedule 1 to this Order, and, where there is an entry against that provision in the second column of that Schedule, to the extent therein provided; and

section 84(6), so far as it gives effect to the repeals in Part I of Schedule 19 specified in Schedule 2 to this Order, except so far as paragraph 4(1) of Schedule 1 to the 1990 Act concerns applications for consent to the display of advertisements.

Provisions coming into force on 10th February 1992

4. The following provisions of the 1991 Act shall come into force on 10th February 1992—

section 27, so far as it is not yet in force,

section 32, so far as it relates to paragraph 9(2)(a) of Schedule 7, and

section 84(6), so far as it gives effect to the repeals in Part I of Schedule 19 to the 1991 Act specified in Schedule 3 to this Order.

Transitional provisions

5.—(1) Until 27th July 1992 or the date on which section 10 of the 1991 Act is brought fully into force, if later—

(a) an enforcement notice which relates to a failure to comply with any condition or limitation relating to the carrying out of any operation specified in section 171B(1) of the 1990 Act, in, on, over or under land and subject to which planning permission was granted for the development of that land, may be issued only within the period of four years from the date of the breach; and

(b) nothing in section 171B(3) of the 1990 Act prevents an enforcement notice which relates to a breach of planning control (other than a breach falling within section 171B(1) or (2) of the 1990 Act or paragraph (a) above) being issued where it appears to the local planning authority that the breach occurred after the end of 1963.

(2) Subject to paragraph (3), the commencement of paragraph (b) of section 171B(4) shall not permit the taking of further enforcement action in respect of any breach of planning control where, immediately before the commencement of that paragraph, the local planning authority could not have issued an enforcement notice relating to that breach.

(3) Paragraph (2) does not apply where any proceedings under the 1990 Act in respect of the breach pursuant to the issue or purported issue of an enforcement notice by the local planning authority have not been finally determined before the commencement of paragraph (b) of section 171B(4).

Signed by authority of the Secretary of State for the Environment

9th December 1991

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

10th December 1991

David Hunt
Secretary of State for Wales

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SCHEDULE 1

Article 3

EXTENT OF COMMENCEMENT OF SCHEDULE 7

<i>Provision</i>	<i>Extent of commencement</i>
Paragraphs 2 and 4	
Paragraph 5	except so far as it relates to the reference to section 187A
Paragraph 7	
Paragraph 9(1)	
Paragraph 9(2)(d)	so far as it relates to the reference to section 171C
Paragraph 9(2)(e)	
Paragraph 9(2)(f)	so far as it relates to the reference to section 187B
Paragraph 9(2)(g)	
Paragraph 9(2)(i)	except so far as it relates to the substitution of a reference to “section 316(1) to (3)” by a reference to “section 316”
Paragraphs 11, 13, 16	
Paragraphs 18 and 19	so far as they relate to the inclusion in sections 77(4) and 79(4) of the 1990 Act respectively of a reference to section 73A
Paragraphs 20 to 23, 24(1)(a), (2), (3), 25	
Paragraph 26	except so far as it relates to breach of condition notices
Paragraphs 27 to 29, 31, 35, 42	
Paragraph 45(1)	
Paragraph 45(2)	except so far as it relates to the reference to section 187A
Paragraphs 47 and 50	
Paragraph 52(1)	
Paragraph 52(2)(a)	except so far as it relates to the definition of “breach of condition notice”
Paragraph 52(2)(b), (f), (g), (4)	
Paragraph 53(3)	except so far as it relates to applications for consent to the display of advertisements
Paragraph 53(5)	so far as it confers on the Secretary of State a power to make provision by development order

<i>Provision</i>	<i>Extent of commencement</i>
Paragraph 53(6)	so far as it relates to the insertion of the words “planning contravention notices under section 171C or”
Paragraph 53(7), (8)	
Paragraph 54(3)(c), (e)	
Paragraph 57(2)(a)	so far as it relates to the omission of the reference to section 63
Paragraph 57(2)(c)	
Paragraph 57(2)(g)	so far as it relates to the reference to sections 196A to 196C
Paragraph 57(2)(h), (i)	
Paragraph 57(3)(c)	
Paragraph 57(3)(d)	except so far as it relates to section 187A
Paragraphs 58 to 61	

SCHEDULE 2

Article 3

REPEALS IN PART I OF SCHEDULE 19 COMING INTO FORCE ON 2ND JANUARY 1992

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1990 c. 8.	Town and Country Planning Act 1990.	<p>Section 63.</p> <p>In section 69, in subsection (1) “made to that authority” and in subsection (3) “made to the authority”.</p> <p>In section 178(2) “(as defined in section 172(3))”.</p> <p>In section 186(1)(c) the words from “or for its retention” to “granted”.</p> <p>Section 190(4).</p> <p>In section 210, in subsection (3) “on indictment” and subsection (5).</p> <p>In section 285, in subsection (1) “Subject to the provisions of this section”, in subsection (2) “(6 to (8))” and subsections (5) and (6).</p> <p>In section 324, in subsection (1)(b) “198 to 200”,</p>

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		in subsection (1)(c) “Part VII” and subsection (2). In section 336(1), in the definition of “planning permission” the words from “and in construing” to the end. In Schedule 1, paragraph 4(1). In Schedule 16, in the entry relating to section 285 “except subsections (5) and (6)”.
1990 c. 9.	Planning (Listed Buildings and Conservation Areas) Act 1990.	In section 38(2) “within such period as may be so specified”. In section 39(7) “in writing”. Section 42(7). Section 55(6). In section 88(6) “or the presence of minerals in it”. In section 90(6)(b) “and 42(6)”. In section 92(2)(b) “and 42(6)”.
1990 c. 10.	Planning (Hazardous Substances) Act 1990.	In section 25(1)(c) “(1) to (5) and (7)”. In section 36(5) “Subject to subsection (6)”.
1990 c. 11.	Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 38.

SCHEDULE 3

Article 4

REPEALS IN PART I OF SCHEDULE 19 COMING
INTO FORCE ON 10TH FEBRUARY 1992

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1990 c. 8.	Town and Country Planning Act 1990.	In section 12(4)(a), “other” (in the second place where it occurs) and “or for any description of development or other use of such land”. Section 14(3).

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		In section 21(2) “Subject to section 22”.
		Section 22.
		Section 23(2) to (4), (9) and (10).
		In section 49 “repeal”.
		In section 50, in subsection (1) “for the repeal and”, subsections (2) and (3), in subsections (4) and (5) “repeal and”, in subsection (6) “repeal”, in paragraph (a) the words from the beginning to “except that”, “or 40(2) (a)” and “or 40(3)” and in paragraph (b) “and they may do so as respects any part of their area to which the proposals relate” and in subsection (8) “repeal” and “in accordance with the provisions of the relevant local plan scheme”.
		In section 51(1) “repeal” (in both places).
		Section 52(2) and (3).
		In section 53, in subsections (1) and (2)(b) “repeal”, in subsection (2)(g) “repealing” and subsection (5).
		In section 284, in subsection (1)(a) “repeal” (in both places).
		In section 287(1), (2), (3) and (5) “repeal” in each place where it occurs.
		In section 306(2) “repeal”.
		In Schedule 2, in Part I paragraphs 3, 5 and 6, and in Part II paragraphs 3 to 16 and 18.
		In Schedule 13, Notes (2) and (5) to paragraph 2, in Note (3) to paragraph 2 “also”, in Note (1)(b) to paragraph 3 “or

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1990 c. 11.	Planning (Consequential Provisions) Act 1990.	under section 22”, in Note (2) to paragraph 3 “13(7) or”, in Note (1)(b) to paragraph 4 “or under section 22” and in Note (2) to paragraph 4 “13(7) or”. In Schedule 4, in paragraph 1, in the Table the entry relating to section 9(4) of the 1971 Act and paragraph 2 of the Schedule, and paragraph 2 of the Schedule.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order brings into force on 2nd January 1992 the following provisions of the Planning and Compensation Act 1991—

- section 1 (planning contravention notices);
- section 3 (injunctions restraining breaches of planning control), so far as it is not yet in force;
- section 4 (time limits on enforcement action), except so far as it relates to breach of condition notices;
- sections 5 and 6 (enforcement notices and appeals against such notices), so far as they are not yet in force;
- section 7 (execution of works required by enforcement notice);
- section 8 (offence where enforcement notice not complied with);
- section 9 (stop notices);
- section 11 (rights of entry for enforcement purposes);
- section 14 (fish farming);
- section 19 (receipt and determination of applications), so far as it is not yet in force, except to the extent it relates to paragraph 4(1) of Schedule 1 to the Town and Country Planning Act 1990 as it concerns applications for consent to the display of advertisements;
- section 23 (trees), so far as it is not yet in force;
- section 25 (listed buildings, conservation areas and hazardous substances), so far as it is not yet in force;
- section 32 (planning: minor and consequential amendments), so far as it relates to the provisions of Schedule 7 to the 1991 Act listed in Schedule 1 to this Order, and to the extent specified in that Schedule; and

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section 84(6) (repeals), so far as it relates to the repeals in Part I of Schedule 19 to the 1991 Act specified in Schedule 2 to this Order, except so far as the repeal of paragraph 4(1) of Schedule 1 to the 1990 Act relates to applications for consent to the display of advertisements.

Article 4 of this Order brings into force on 10th February 1992 the following provisions of the 1991 Act—

section 27 (streamlining of development plan system), so far as it is not yet in force;

section 32 (planning: minor and consequential amendments), so far as it relates to paragraph 9(2)(a) of Schedule 7; and

section 84(6) (repeals), so far as it relates to the repeals in Part I of Schedule 19 to the 1991 Act specified in Schedule 3 to this Order.

Article 5 makes transitional provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Planning and Compensation Act 1991 have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s.3 (partially) (England and Wales)	25th November 1991	1991/2728
s.5 (partially) (England and Wales)		
s.6(5) (partially) (England and Wales)		
s.6(6) (England and Wales)	13th October 1991	1991/2272
s.10 (partially) (England and Wales)	25th November 1991	1991/2728
s.12(1) (partially) (England and Wales)	25th October 1991	1991/2272
s.12(1) (partially) (England and Wales)	25th November 1991	1991/2728
s.12(2), (3) (England and Wales)	25th October 1991	1991/2272
s.15 (England and Wales)	25th September 1991	1991/2067
s.16 (partially) (England and Wales)	25th November 1991	1991/2728
ss.17 and 18 (England and Wales)	25th September 1991	1991/2067
ss.19 and 20 (partially) (England and Wales)	25th November 1991	1991/2728
ss.21 and 22 (England and Wales)	25th September 1991	1991/2067

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s.23(7) (partially) (England and Wales)	25th November 1991	1991/2728
s.25 (partially) (England and Wales)	25th September 1991	1991/2067
s.25 (partially) (England and Wales)	25th November 1991	1991/2728
s.26 (England and Wales)	25th September 1991	1991/2067
s.27 (partially) (England and Wales)	25th November 1991	1991/2728
s.28 (partially) (England and Wales)		
s.29 (England and Wales)	25th September 1991	1991/2067
s.30 (partially) (England and Wales)	2nd January 1992	1991/2728
s.31 (so far as not already in force) (England and Wales)	25th September 1991	1991/2067
s.32 (partially) (England and Wales)		
s.32 (partially) (England and Wales)	25th October 1991	1991/2272
s.32 (partially) (England and Wales)	25th November 1991	1991/2728
ss.47 and 48 (Scotland)	25th September 1991	1991/2092
s.50 (Scotland)		
s.57 (partially) (Scotland)		
s.60 (so far as not already in force) (Scotland)		
s.61 (partially) (Scotland)		
s.61 (partially) (Scotland)	13th October 1991	1991/2272
ss.62 to 69 (England and Wales)	25th September 1991	1991/2067
s.70 (partially) (England and Wales)		
s.70 (so far as not yet in force) (England and Wales)	2nd January 1992	1991/2728
ss.71 to 79 (Scotland)	25th September 1991	1991/2092
s.80 (partially) (England and Wales)	25th September 1991	1991/2067
s.80 (partially) (Scotland)	25th September 1991	1991/2092

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s.80 (so far as not yet in force in England and Wales)	2nd January 1992	1991/2728
s.81 (England and Wales)	25th September 1991	1991/2067
s.83 (England, Wales, Scotland and Northern Ireland)	25th October 1991	1991/2272
s.84(6) (partially) (England and Wales)	25th September 1991	1991/2067
s.84(6) (partially) (Scotland)	25th September 1991	1991/2092
Schs. 1 and 2 (England and Wales)	25th September 1991	1991/2067
Sch. 3 (partially) (England and Wales)		
Schs. 3 to 5 (partially) (England and Wales)	25th November 1991	1991/2728
Sch. 6 (so far as not already in force) (England and Wales)	25th September 1991	1991/2067
Sch. 7 (partially) (England and Wales)		
Sch. 7 (partially) (England and Wales)	25th October 1991	1991/2272
Sch. 7 (partially) (England and Wales)	25th November 1991	1991/2728
Sch. 10 (partially) (Scotland)	25th September 1991	1991/2092
Sch. 12 (Scotland)		
Sch. 13 (partially) (Scotland)		
Sch. 13 (partially) (Scotland)	13th October 1991	1991/2272
Sch. 14 (England and Wales)	25th September 1991	1991/2067
Sch. 15 (partially) (England and Wales)		
Sch. 15 (so far as not yet in force) (England and Wales)	2nd January 1992	1991/2728
Schs. 16 and 17 (Scotland)	25th September 1991	1991/2092
Sch. 18 (partially) (England and Wales)	25th September 1991	1991/2067
Sch. 18 (partially) (Scotland)	25th September 1991	1991/2092
Sch. 18 (so far as not yet in force in England and Wales)	2nd January 1992	1991/2728
Sch. 19 (partially) (England, Wales and Scotland)	25th September 1991	1991/2067

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sch. 19 (partially) (Scotland)	25th September 1991	1991/2092