

Status: Point in time view as at 13/06/1994.

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SCHEDULES

SCHEDULE 17

Section 101.

COMMUNITY LAND ACT

PART I

PRELIMINARY

- 1 (1) In this Schedule “the 1975 Act” means the ^{M1}Community Land Act 1975.
- (2) In this Schedule references to sections, Schedules and Parts are to those of the 1975 Act (unless the contrary is indicated).
- (3) In this Schedule “the 1971 Act” means the ^{M2}Town and Country Planning Act 1971 and “the Scottish Act of 1972” means the ^{M3}Town and Country Planning (Scotland) Act 1972.

Marginal Citations

- M1** 1975 c. 77.
M2 1971 c. 78 (123:1).
M3 1972 c. 52 (123:2).

PART II

REPEALS

- 2 Subject to the following provisions of this Schedule, the 1975 Act shall be repealed on the passing of this Act.
- 3 (1) The following provisions of the 1975 Act shall be repealed on the appointed day:—
 - section 1 (authorities),
 - section 2 (joint boards),
 - in section 6, in subsection (1) the definitions of enactment, local authority and new town authority, and subsection (6),
 - section 7 and Schedule 2 (appointed days etc.),
 - section 26 (compensation payable in transaction between certain authorities),
 - section 40 (grants to authorities who buy or rent Crown land),
 - section 43 (accounts and records),
 - section 44 (community land surplus accounts), except (in subsection (3) the words from “or (b)” to the end,
 - section 51 (power to obtain information),
 - section 52 (service of documents),

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section 53 (orders),
section 54 (directions and consents),
section 55 (local inquiries),
section 56 (offences by corporations),
section 57 (finance),
section 58 (extent etc.).

- (2) In sub-paragraph (1) above “the appointed day” means, in relation to any provision of the 1975 Act, the day appointed for its repeal by an order of the Secretary of State made by statutory instrument.
- (3) Different days may be so appointed in relation to different provisions of the 1975 Act or for different purposes in relation to any such provision.

Modifications etc. (not altering text)

- C1** Power of appointment conferred by para. 3(2) fully exercised in England, Scotland and Wales : 1.6.1983 appointed by [S.I. 1983/673](#), [art. 2](#)

PART III

PROVISIONS RE-ENACTED ETC.

- 4 Part XII of this Act includes provisions re-enacting or superseding certain provisions of the 1975 Act (in particular, Part II) relating to the Land Authority for Wales.
- 5 Each provision of the 1975 Act mentioned in column 1 below is re-enacted (in certain cases with modifications) in the corresponding provision of this Act mentioned in column 2—

1975 ACT	THIS ACT
Section 37 (acquisition and disposal of land by the Crown)	Section 122
Section 38 (acquisition of land by Crown in Northern Ireland)	Section 123
[^{F1} Section 41 (exclusion of special parliamentary procedure)]	[^{F1} Section 120]
Section 47 (certification of appropriate alternative development)	Section 121
In Schedule 10 (minor and consequential amendments)—	
paragraph 2	Schedule 33, paragraph 1
paragraph 3	Schedule 33, paragraph 3
paragraph 4(1) to (3) and (5)	Schedule 33, paragraph 5
paragraph 5(1) to (3) and (5)	Schedule 33, paragraph 7

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paragraph 6(1)(a)	Schedule 15, paragraph 2
paragraph 7(1)(a)	Section 92(1)
paragraph 8(2)	Schedule 33, paragraph 13

Textual Amendments

F1 Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**

PART IV

SAVINGS AND SUPPLEMENTARY

General

- 6 This Part of this Schedule contains savings and supplementary provisions in respect of certain provisions of the 1975 Act repealed by this Act.

Offences

- 7 No repeal by section 101 above and this Schedule affects liability for any offence committed before the repeal takes effect.

Suspension of planing permission

- 8 (1) Sub-paragraphs (2) to (5) below shall have effect in consequence of the repeal by this Act of section 22.
- (2) Where planning permission has been suspended under section 19 or 20—
- (a) no enforcement notice under Part V of the 1971 Act or under Part V of the Scottish Act of 1972 may be served after the passing of this Act if it could not have been served before then apart from section 22(1);
 - (b) if such a notice has been served before the passing of this Act and it could not have been served apart from section 22(1), the notice shall be disregarded (subject to paragraph 7 above, which has the effect of saving liability for an offence committed before the repeal of section 22(1)).
- (3) Where planning permission has been suspended under section 19 or 20, in determining, after the passing of this Act, the value of any land for the purpose of compensation, section 22(2) and (3) shall be ignored.
- (4) Where—
- (a) planning permission has been suspended under section 19 or 20, and
 - (b) by virtue of section 22(6) the right to serve a blight notice has arisen in respect of an interest in any land (“the blighted land”), and
 - (c) a notice has been served in respect of the interest before the passing of this Act,

then, notwithstanding the repeal of section 22, 192(1) of the 1971 Act (and in Scotland section 181(1) of the Scottish Act of 1972) shall continue to have effect as if the land specified therein included the blighted land.

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- (5) Where planning permission has been suspended under section 19 or 20 and a time limit is accordingly extended under section 22(7), the period of the extension shall expire on the ending of the suspension by virtue of this Act (if it has not expired before then.)

Land Authority for Wales

- 9 The following provisions of this Schedule do not apply to the Land Authority for Wales (in relation to which Schedule 22 below contains savings etc.).

Land

- 10 (1) This paragraph applies where a compulsory purchase order has been made, or a binding contract has been entered into to acquire land, before the passing of this Act.
- (2) In that case, section 15 shall continue to apply as it applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.
- 11 (1) Where, immediately before the passing of this Act, an authority holds land for the purposes of Part III, the land shall on the passing of this Act be treated as follows.
- (2) Land held by the council of a county, district or London borough, the Common Council of the City of London, the Greater London Council or the Council of the Isles of Scilly shall be treated as if it had been acquired by the council concerned for planning purposes (within the meaning of section 133(1) of the 1971 Act).
- (3) Land held by a regional, general or district planning authority shall be treated as if it had been acquired by the authority concerned for planning purposes (within the meaning of section 122(1) of the Scottish Act of 1972).
- (4) Land held by a new town authority (that is, a development corporation as defined in section 2 of the ^{M4}New Towns Act 1965, or in section 2 of the ^{M5}New Towns (Scotland) Act 1968) shall be treated as if it had been acquired by the authority under that Act.
- (5) Land held by the Peak Park Joint Planning Board or the Lake District Special Planning Board shall be treated as if it had been acquired by the Board concerned under section 119 of this Act.

Marginal Citations

M4 1965 c. 59.

M5 1968 c. 16 (123:4).

General duties of authorities

- 12 (1) Sub-paragraphs (2) and (3) below shall have effect in consequence of the repeal of section 17 and Schedule 6.
- (2) In exercising any function after the passing of this Act an authority need not have regard to the matters specified in section 17 and Schedule 6.

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- (3) In disposing, or agreeing to dispose, of an interest in land after the passing of this Act, an authority need not have regard to an application (whenever made) under paragraph 2 of Schedule 6.

Planning permission for relevant development

- 13 (1) Sub-paragraphs (2) to (8) below shall have effect in consequence of the repeal by this Act of sections 19 and 20 and Schedule 7.
- (2) Where an election is made under section 19(2) before the passing of this Act, an authority on whom the notice is served need not—
- (a) send a copy to any other authority under section 19(2), or
 - (b) serve a notice under paragraph 4 of Schedule 7 (notice about intention to acquire).
- (3) Where an application is made before the passing of this Act for planning permission to which section 20 applied immediately before the passing of this Act, an authority need not serve a notice under paragraph 5 of Schedule 7.
- (4) An authority who have before the passing of this Act abandoned their power to purchase land (as mentioned in section 19(5) or 20(2)) are not prevented by section 19(5) or 20(2) from acquiring the land under the 1971 Act or under the Scottish Act 1972 in pursuance of a compulsory purchase order.
- (5) Planning permission suspended before the passing of this Act by virtue of section 19(6) or 20(3) shall on the passing of this Act no longer be suspended.
- (6) Any notice served under paragraph 4 or 5 of Schedule 7 before the passing of this Act shall cease to be a local land charge on the passing of this Act; and where any such notice has been registered as a local land charge the registration shall, without prejudice to any rules made under the ^{M6}Local Land Charges Act 1975, be cancelled accordingly.
- (7) No authority is under a duty to serve a notice under paragraph 6 of Schedule 7 after the passing of this Act.
- (8) After the passing of this Act, no copy of an application or notification (in each case, whenever made) need be sent under Part III of Schedule 7 (transmission of information).

Marginal Citations

M6 1975 c. 76 (98:2).

Disposal notification areas

- 14 Any saving having effect immediately before the passing of this Act by virtue of paragraph 7 of Schedule 8 shall continue to have effect notwithstanding the repeal of that paragraph by this Act.

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Direction to dispose of land

- 15 The repeal by this Act of section 45 does not affect a direction made under that section before the passing of this Act.

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