

SCHEDULES

SCHEDULE 32

ENTERPRISE ZONES

PART I

DESIGNATION OF ZONES

Invitation to prepare scheme

- 1 (1) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to England and Wales: —
- (a) a district council;
 - (b) a London borough council;
 - (c) a new town corporation ;
 - (d) an urban development corporation.
- (2) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to Scotland: —
- (a) a district or general planning authority within the meaning of section 172(4) of the 1973 Act;
 - (b) a new town corporation ;
 - (c) an urban development corporation.
- (3) The Secretary of State may invite any of the bodies to prepare a scheme relating to the development of an area falling within the district, borough, district or general planning authority area, new town area or urban development area (as the case may be) and send the scheme to him in accordance with this Schedule.
- (4) The invitation shall be made with a view to the designation as an enterprise zone of the area for which the scheme may be prepared.
- (5) The invitation-
- (a) shall specify the area for which the scheme may be prepared ;
 - (b) may contain directions as to the drawing up of the scheme (in particular, as to its form or content or any consultations to be made).
- (6) The invitation may specify an area in which publicity is to be given under paragraph 2(2)(b) below.
- (7) In this paragraph—
- " new town area " means an area designated as the site of a new town by an order under section 1 of the New Towns Act 1965 or section 1 of the New Towns (Scotland) Act 1968 ;

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" new town corporation " means a development corporation established under either of those Acts ;

" urban development area " means an area designated as such under this Act;

" urban development corporation " means a corporation established as such under this Act.

Preparation of draft scheme

- 2 (1) A body which receives an invitation may prepare a scheme in draft in accordance with the terms of the invitation.
- (2) If it prepares a scheme under sub-paragraph (1) above, it shall take such steps as will in its opinion secure—
- (a) that—
 - (i) if the area for which the scheme is to be prepared is within Greater London, adequate publicity is given to its provisions in Greater London ;
 - (ii) if the area for which the scheme is to be prepared is in England or Wales but outside Greater London, adequate publicity is given to its provisions in the county in which the area is situated ; and
 - (iii) if the area for which the scheme is to be prepared is in Scotland, adequate publicity is given to its provisions in the region in which the area is situated ; and
 - (b) that adequate publicity is also given to the provisions of the scheme in any area specified under paragraph 1(6) above;
 - (c) that persons who may be expected to want to make representations to the body with respect to the provisions are made aware that they are entitled to do so ; and
 - (d) that such persons are given an adequate opportunity of making such representations within a period specified by the body (the specified period).
- (3) The body shall consider any representation—
- (a) which is made to it within the specified period, and
 - (b) which is made on the ground that all or part of the development specified in the scheme should not be granted planning permission in accordance with the terms of the scheme.

Adoption of scheme

- 3 (1) After the expiry of the specified period or, if any representations falling within paragraph 2(3) above have been made, after considering them, the body may adopt the scheme by resolution.
- (2) The scheme adopted may be the scheme prepared in draft or, subject to sub-paragraph (3) below, that scheme as modified to take account of any such representation or any matter arising out of the representation.
- (3) A scheme may not be modified in any way inconsistent with the Secretary of State's invitation under paragraph 1 above.
- (4) As soon as practicable after adopting a scheme under this Schedule, the body shall—

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- (a) send a copy of the scheme to the Secretary of State,
 - (b) deposit a copy of the scheme at its principal office, and
 - (c) publish an advertisement in accordance with sub-paragraphs (7) and (8) below.
- (5) Any member of the public may inspect the copy so deposited, and make copies of or extracts from it, at any reasonable time without payment.
- (6) The body shall make available copies of the scheme, at a reasonable cost, to any member of the public.
- (7) The advertisement shall contain—
- (a) a statement that the scheme has been adopted ;
 - (b) a statement that a copy of the scheme can be inspected without payment;
 - (c) a statement of the address where and times when it can be inspected ; and
 - (d) a statement that, if the Secretary of State makes an order designating die area to which the scheme relates as an enterprise zone, the order will have effect to grant planning permission in accordance with the scheme.
- (8) The advertisement shall be published—
- (a) in the London Gazette or, if the scheme relates to an area in Scotland, the Edinburgh Gazette ; and
 - (b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

Questioning scheme's validity

- 4 (1) If a person is aggrieved by a scheme adopted by a body under this Schedule and he wishes to question its validity on the ground that it is not within the powers conferred by this Schedule, or that any requirement of this Schedule has not been complied with, he may within the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above make an application under this paragraph to the High Court or, if the scheme relates to an area in Scotland, the Court of Session.
- (2) On such an application the High Court or the Court of Session, if satisfied—
- (a) that the scheme is wholly or to any extent outside the powers conferred by this Schedule, or
 - (b) that the interests of the applicant would be substantially prejudiced by the failure to comply with any requirement of this Schedule if an order were made under this Schedule designating the area to which the scheme relates as an enterprise zone,
- may order that the Secretary of State shall not make an order under this Schedule designating the area as an enterprise zone in pursuance of the scheme, but (in a case where sub-paragraph (b) above applies) may further order that, if steps are taken to comply with the requirement concerned, an order may be made designating the area.
- (3) No order made by the Court under sub-paragraph (2) above prejudices the making of an order under this Schedule designating the area as an enterprise zone in pursuance of another scheme (so long as this Schedule is complied with).
- (4) Except as provided by this paragraph, the validity of a scheme adopted under this Schedule shall not be questioned in any legal proceedings whatsoever.

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Designation of enterprise zone

- 5 (1) If a body adopts a scheme under this Schedule, the Secretary of State may (if he thinks it expedient to do so) by order designate the area to which the scheme relates as an enterprise zone.
- (2) No order may be made until—
- (a) the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above, or
 - (b) if an application in relation to the scheme is made under paragraph 4(1) above, the time at which any proceedings arising out of the application are disposed of,
- whichever is the later.
- (3) The power to make the order shall be exercisable—
- (a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and
 - (b) only with the Treasury's consent.
- (4) The order shall—
- (a) specify the date of the designation taking effect (the effective date);
 - (b) specify the period for which the area is to remain an enterprise zone;
 - (c) define the boundaries of the zone by means of a plan or map;
 - (d) designate as the enterprise zone authority the body which was invited to prepare the scheme.
- (5) The power to amend orders conferred by section 14 of the Interpretation Act 1978 does not include power to amend an order made under this paragraph.
- (6) The power to revoke orders conferred by that section does not include power to revoke an order made under this paragraph before the expiry of the period mentioned in sub-paragraph (4)(6) above.
- (7) In relation to England and Wales, the order may provide that the enterprise zone authority shall be the local planning authority for the zone for such purposes of the 1971 Act, and in relation to such kinds of development, as may be prescribed in the order.
- (8) In relation to Scotland, the order may provide that the enterprise zone authority shall be the planning authority exercising district planning functions (within the meaning of section 172 of the 1973 Act) for the zone for such purposes of the 1972 Act, and in relation to such kinds of development, as may be prescribed in the order.
- (9) In the following provisions of this Schedule references to a scheme are, in relation to an area designated as an enterprise zone under this paragraph, to the scheme adopted for the area under paragraph 3(1) above.

Publicity of designation

- 6 (1) As soon as practicable after the making of an order under paragraph 5 above, the body which adopted the scheme shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.
- (2) The advertisement shall contain—

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- (a) a statement that the order has been made and will have effect to make the area an enterprise zone ; and
 - (b) a statement that a copy of the scheme can be inspected without payment and a statement of the address where and times when it can be inspected.
- (3) The advertisement shall be published—
- (a) in the London Gazette or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and
 - (b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

Right of entry

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- (1) Any person duly authorised in writing by a body which has been invited to prepare a scheme under this Schedule may at any reasonable time enter any land in the area to which the scheme relates (or could relate) for the purpose of surveying the land in connection with the preparation or adoption of a scheme under this Schedule.
 - (2) In relation to England and Wales, subsection (9) of section 280 and subsections (1) to (6) of section 281 of the 1971 Act (giving of notice, compensation for damage, etc.) shall apply in relation to sub-paragraph (1) above as they apply in relation to section 280.
 - (3) In relation to Scotland, subsection (8) of section 265 and subsections (1) to (6) of section 266 of the 1972 Act (giving of notice, compensation for damage, etc.) shall apply in relation to subparagraph (1) above as they apply in relation to section 265.

Acts referred to in Part 1

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- In this Part of this Schedule—
- " 1971 Act " means the Town and Country Planning Act 1971;
 - " 1972 Act " means the Town and Country Planning (Scotland) Act 1972;
 - " 1973 Act " means the Local Government (Scotland) Act 1973.