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## SCHEDULES

### SCHEDULE 1

Section 1.

#### LOCAL PLANNING AUTHORITIES: DISTRIBUTION OF FUNCTIONS

##### *Preliminary*

- 1 (1) In this Schedule “county matter” means in relation to any application, order or notice—
- (a) the winning and working of minerals in, on or under land (whether by surface or underground working) or the erection of any building, plant or machinery—
    - (i) which it is proposed to use in connection with the winning and working of minerals or with their treatment or disposal in or on land adjoining the site of the working; or
    - (ii) which a person engaged in mining operations proposes to use in connection with the grading, washing, grinding or crushing of minerals;
  - (b) the use of land, or the erection of any building, plant or machinery on land, for the carrying out of any process for the preparation or adaptation for sale of any mineral or the manufacture of any article from a mineral where—
    - (i) the land forms part of or adjoins a site used or proposed to be used for the winning and working of minerals; or
    - (ii) the mineral is, or is proposed to be, brought to the land from a site used, or proposed to be used, for the winning and working of minerals by means of a pipeline, conveyor belt, aerial ropeway, or similar plant or machinery, or by private road, private waterway or private railway;
  - (c) the carrying out of searches and tests of mineral deposits or the erection of any building, plant or machinery which it is proposed to use in connection with them;
  - (d) the [<sup>F1</sup>depositing] of mineral waste;
  - (e) the use of land for any purpose required in connection with the transport by rail or water of aggregates (that is to say, any of the following, namely—
    - (i) sand and gravel;
    - (ii) crushed rock;
    - (iii) artificial materials of appearance similar to sand, gravel or crushed rock and manufactured or otherwise derived from iron or steel slags, pulverised fuel ash, clay or mineral waste),or the erection of any building, plant or machinery which it is proposed to use in connection with them;
  - (f) the erection of any building, plant or machinery which it is proposed to use for the coating of roadstone or the production of concrete or of concrete products or artificial aggregates, where the building, plant or machinery is to

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be erected in or on land which forms part of or adjoins a site used or proposed to be used—

- (i) for the winning and working of minerals; or
- (ii) for any of the purposes mentioned in paragraph (e) above;
- (g) the erection of any building, plant or machinery which it is proposed to use for the manufacture of cement;
- (h) the carrying out of operations in, on, over or under land, or a use of land, where the land is or forms part of a site used or formerly used for the winning and working of minerals and where the operations or use would conflict with or prejudice compliance with a restoration condition or an aftercare condition;
- (i) the carrying out of operations in, on, over or under land, or any use of land, which is situated partly in and partly outside a National Park;
- (j) the carrying out of any operation which is, as respects the area in question, a prescribed operation or an operation of a prescribed class or any use which is, as respects that area, a prescribed use or use of a prescribed class.

<sup>F2</sup>(2) .....

**Textual Amendments**

**F1** Words in Sch. 1 para. 1(1)(d) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 21, Sch. 1 para. 13\(a\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F2** Sch. 1 para. 1(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), ss. 21, 84\(6\), Sch. 1 para. 13\(b\), Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

*Development plans*

2 <sup>F3</sup> .....

**Textual Amendments**

**F3** Sch. 1 para. 2 repealed (6.8.2004 for certain purposes, 28.9.2004 for E. and otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 118, 120, 121, Sch. 6 para. 16\(2\), Sch. 9](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2004/2202, [art. 2, Sch. 1](#) (subject to transitional provisions and savings in art. 4)

*Planning and special control*

- 3 (1) The functions of a local planning authority of determining—
- (a) applications for planning permission [<sup>F4</sup>or permission in principle];
  - [<sup>F5</sup>(aa) applications for non-material changes to planning permission under section 96A;]
  - <sup>F6</sup>[( b) applications for a certificate under section 191 or 192]
- shall, subject to sub-paragraph (2), be exercised by the district planning authority.
- (2) The functions of a local planning authority of determining any such application as is mentioned in sub-paragraph (1) which [<sup>F7</sup>relates] to a county matter shall be exercised by the county planning authority.

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<sup>F8</sup>(3) .....

<sup>F8</sup>(4) .....

<sup>F8</sup>(5) .....

<sup>F8</sup>(6) .....

(7) The previous provisions of this paragraph shall not apply to applications relating to land in a National Park <sup>F9</sup> . . . .

#### Textual Amendments

- F4** Words in Sch. 1 para. 3(1)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 41\(2\)](#); S.I. 2016/733, reg. 3(d)
- F5** Sch. 1 para. 3(1)(aa) inserted (1.10.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 190\(6\)](#), 241 (with s. 226); S.I. 2009/2260, [art. 3](#)
- F6** Sch. 1 para. 3(1)(b) substituted (27.7.1992) for para. 3(1)(b)(c) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(2\)](#)(with s. 84(5)); S.I. 1992/1630, [art. 2](#), [Sch. 1](#) (with [art. 3\(1\)](#))
- F7** Word in Sch. 1 para. 3(2) substituted (25.11.1991 for certain purposes and otherwise 2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 19\(2\)\(a\)](#), 84(2)-(4)(with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1991/2905, [art. 3](#) (subject to [art. 4](#))
- F8** Sch. 1 para. 3(3)-(6) omitted (25.11.1991 for certain purposes and otherwise 2.1.1992) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 19\(2\)\(b\)](#), 84(2)-(4)(6), Sch. 19 Pt. I (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1991/2905, [art. 3](#) (subject to [art. 4](#))
- F9** Words in Sch. 1 para. 3(7) repealed (6.8.2004 for certain purposes, otherwise prosp .) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 118](#), 120, 121, Sch. 6 para. 16(3), [Sch. 9](#) (with s. 111); S.I. 2004/2097, [art. 2](#)

4 <sup>F10</sup>(1) .....

(2) Where any [<sup>F11</sup>application for planning permission [<sup>F12</sup>or permission in principle], for a certificate under section 191 or 192 or for consent to the display of advertisements under section 220, relating in each case] to land in a National Park or an application so relating for approval of a matter reserved under an outline planning permission within the meaning of section 92 falls to be determined by a [<sup>F13</sup>National Park authority]. . . , that authority shall before determining it consult with [<sup>F14</sup>any authority which (but for section 4A) would be <sup>F15</sup>. . . ] the district planning authority for the area in which the land to which the application relates is situated.

#### Textual Amendments

- F10** Sch. 1 para. 4(1) repealed (25.11.1991 for certain purposes, 2.1.1992 for other purposes and 6.4.1992 so far as not yet in force) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 19\(2\)\(b\)](#), 84(6), [Sch. 19 Pt. I](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1991/2905, [art. 3](#) (subject to [art. 5](#)); S.I. 1992/665, [art. 2](#)
- F11** Words in Sch. 1 para. 4(2) substituted (2.1.1992 for certain purposes and 6.4.1992 otherwise) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(3\)](#) (with s. 84(5)); S.I. 1991/2905, [art. 3](#), [Sch. 1](#) (subject to [art. 5](#)); S.I. 1992/665, [art. 2](#)
- F12** Words in Sch. 1 para. 4(2) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 41\(3\)](#); S.I. 2016/733, reg. 3(d)

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- F13** Words in Sch. 1 para. 4(2) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 23(14)(a)(i)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, **art. 2**
- F14** Words in Sch. 1 para. 4(2) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(a)(ii)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, **art. 2**
- F15** Words in Sch. 1 para. 4(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, **art. 2, Sch.**

- 5 (1) The Secretary of State may include in a development order such provisions as he thinks fit enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority—
- (a) the formation, laying out or alteration of any means of access to a road classified under section 12(3) of the <sup>M1</sup>Highways Act 1980 or section 27 of the <sup>M2</sup>Local Government Act 1966 or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;
  - (b) any other operations or use of land which appear to the local highway authority to be likely to result in a material increase in the volume of traffic entering or leaving such a classified or proposed road, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road.
- [<sup>F16</sup>(2) The reference to a local planning authority in sub-paragraph (1) is to be construed as including neither—
- (a) a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 of the Local Government, Planning and Land Act 1980, nor
  - (b) a reference to a Mayoral development corporation which is the local planning authority by virtue of an order under section 198(2) of the Localism Act 2011,
- and no provision of a development order which is included in it by virtue of that sub-paragraph is to be construed as applying to such a corporation.]
- (3) The Secretary of State may include in a development order provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority [<sup>F17</sup>, or by a Mayoral development corporation which is the local planning authority,] of planning permission for such descriptions of development as may be specified in the order.

#### Textual Amendments

- F16** Sch. 1 para. 5(2) substituted (15.1.2012) by **Localism Act 2011 (c. 20)**, s. 240(1)(l), **Sch. 22 para. 36(2)**
- F17** Words in Sch. 1 para. 5(3) inserted (15.1.2012) by **Localism Act 2011 (c. 20)**, s. 240(1)(l), **Sch. 22 para. 36(3)**

#### Marginal Citations

- M1** 1980 c. 66.  
**M2** 1966 c. 42.

- 6 (1) A development order may also include provision requiring a county planning authority who are determining any application mentioned in paragraph 3 and relating to a county matter, or an application for approval of a matter reserved under an outline

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planning permission within the meaning of section 92 and so relating, to give the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application is determined, and to take into account any such recommendations.

- (2) It may also include provision requiring a county or district planning authority who have received any application so mentioned or any application for such approval<sup>F18</sup> . . . ) to notify the district or, as the case may be, county planning authority of the terms of their decision, or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.

#### Textual Amendments

**F18** Words in Sch. 1 para. 6(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 3, **Sch.**

[<sup>F19</sup>6A (1) This paragraph applies to the functions of local planning authorities under any of sections 61E to 61Q and Schedules 4B and 4C (neighbourhood development orders).

- (2) Those functions are to be exercised by a district planning authority in any area of a non-metropolitan county.]

#### Textual Amendments

**F19** Sch. 1 para. 6A inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by **Localism Act 2011** (c. 20), s. 240(5) (j), **Sch. 9 para. 4**; S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2

[<sup>F20</sup>7 (1) A local planning authority must not determine an application for planning permission [<sup>F21</sup>or permission in principle] to which the consultation requirements apply unless it complies with sub-paragraph (7).

- (2) The consultation requirements are—  
<sup>F22</sup>(a) . . . . .  
(b) consultation by a district planning authority with the county planning authority for their area if the development is one to which sub-paragraph (4) applies.

<sup>F23</sup>(3) . . . . .

- (4) This sub-paragraph applies to—  
(a) a development which would materially conflict with or prejudice the implementation of a relevant county policy,  
(b) a development in an area in relation to which the county planning authority have given notice in writing to the district planning authority that development is likely to affect or be affected by the winning and working of minerals, other than coal,

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- (c) a development of land in respect of which the county planning authority have given notice in writing to the district planning authority that they propose to carry out development,
- (d) a development which would prejudice a proposed development mentioned in paragraph (c) in respect of which notice has been given as so mentioned,
- (e) a development of land in relation to which the county planning authority have given notice in writing to the district planning authority that it is proposed to use the land for waste disposal, or
- (f) a development which would prejudice a proposed use mentioned in paragraph (e) in respect of which notice has been given as so mentioned.

(5) The consultation requirements do not apply—

- <sup>F24</sup>(a) .....
- (b) in respect of a development to which sub-paragraph (4) applies if the county planning authority gives a direction authorising the determination of the application without compliance with the requirements.

(6) A direction under sub-paragraph (5) may be given in respect of a particular application or a description of application.

(7) If the consultation requirements apply the local planning authority—

- (a) must give notice to [<sup>F25</sup>[<sup>F26</sup>the county planning authority]] that they propose to consider the application,
- (b) must send a copy of the application to [<sup>F27</sup>the county planning authority] , and
- (c) must not determine the application until the end of such period as is prescribed by development order beginning with the date of the giving of notice under paragraph (a).

(8) Sub-paragraph (7)(c) does not apply if before the end of the period mentioned in that sub-paragraph—

- (a) the local planning authority have received representations concerning the application from [<sup>F28</sup>the county planning authority] , or
- (b) [<sup>F28</sup>the county planning authority] gives notice that it does not intend to make representations.

<sup>F29</sup>(9) .....

(10) A relevant county policy is—

- (a) a policy contained in a local development document which has been prepared in accordance with a minerals and waste scheme and submitted to the Secretary of State in pursuance of section 20(1) of the 2004 Act or adopted by the county planning authority in pursuance of section 23 of that Act, <sup>F30</sup>...

<sup>F31</sup>(b) .....

<sup>F32</sup>[<sup>F33</sup>(11)] .....

(12) The 2004 Act is the Planning and Compulsory Purchase Act 2004.]]

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### Textual Amendments

- F20** Sch. 1 para. 7 substituted (6.8.2004 for certain purposes and 24.8.2005 for E. and otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 16\(4\)](#) (with s. 111); [S.I. 2004/2097, art. 2](#); [S.I. 2005/2081, art. 2](#) (subject to savings in art. 4)
- F21** Words in Sch. 1 para. 7(1) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 41\(4\)](#); [S.I. 2016/733, reg. 3\(d\)](#)
- F22** Sch. 1 para. 7(2)(a) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), [Sch. 25 Pt. 15](#)
- F23** Sch. 1 para. 7(3) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), [Sch. 25 Pt. 15](#)
- F24** Sch. 1 para. 7(5)(a) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(a), [Sch. 25 Pt. 15](#)
- F25** Words in Sch. 1 para. 7(7)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 85, 148, 149, [Sch. 5 para. 3\(5\)](#); [S.I. 2009/3318, art. 4](#)
- F26** Words in Sch. 1 para. 7(7)(a) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), [Sch. 8 para. 1\(b\)](#)
- F27** Words in Sch. 1 para. 7(7)(b) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), [Sch. 8 para. 1\(c\)](#)
- F28** Words in Sch. 1 para. 7(8) substituted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), [Sch. 8 para. 1\(c\)](#)
- F29** Sch. 1 para. 7(9) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), [Sch. 25 Pt. 15](#)
- F30** Word in Sch. 1 para. 7(10) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(q), [Sch. 25 Pt. 15](#)
- F31** Sch. 1 para. 7(10)(b) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), [Sch. 25 Pt. 15](#)
- F32** Sch. 1 para. 7(11) repealed (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(h), Sch. 8 para. 1(d), [Sch. 25 Pt. 15](#)
- F33** Sch. 1 para. 7(11) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 85, 148, 149, [Sch. 5 para. 3\(7\)](#); [S.I. 2009/3318, art. 4](#)

<sup>F34</sup>[ 8 (1) A local planning authority who have the function of determining applications for planning permission [<sup>F35</sup>or permission in principle] shall, if requested to do so by the council of any parish <sup>F36</sup> . . . situated in their area, notify the council of—

- (a) any relevant planning application; and
- (b) any alteration to that application accepted by the authority.

(2) In sub-paragraph (1) “ a relevant planning application ” means an application which

- (a) relates to land in the parish <sup>F36</sup> . . . ; and
- (b) is an application for—
  - (i) planning permission [<sup>F37</sup>or permission in principle]; or
  - (ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.

(3) Any request made for the purposes of sub-paragraph (1) shall be in writing and state that the council wishes to be notified of all relevant applications or all applications of a description specified in the request.

[ Sub-paragraph (3B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if—

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- <sup>F38</sup>(3A) (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority's area, and  
 (b) a parish council are authorised to act in relation to the neighbourhood area as a result of section 61F.
- (3B) The local planning authority must notify the parish council of—  
 (a) any relevant planning application, and  
 (b) any alteration to that application accepted by the authority.
- (3C) Sub-paragraph (3B) does not apply if the parish council have notified the local planning authority in writing that they do not wish to be notified of any such application.
- (3D) If the parish council have notified the local planning authority in writing that they only wish to be notified under sub-paragraph (3B) of applications of a particular description, that sub-paragraph only requires the authority to notify the council of applications of that description.
- (3E) For the purposes of sub-paragraphs (3A) to (3D)—  
 “neighbourhood area” means an area designated as such under section 61G;  
 “relevant neighbourhood development plan” means—  
 (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3F), or  
 (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (plans which have been made or approved in a referendum);  
 “relevant planning application” means an application which relates to land in the neighbourhood area and is an application for—  
 (a) planning permission or permission in principle, or  
 (b) approval of a matter reserved under an outline planning permission within the meaning of section 92.]
- (4) An authority shall comply with [<sup>F39</sup>a duty under this paragraph] to notify a council of an application by—  
 (a) sending the council a copy of the application; or  
 (b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates,  
 and any notification falling within paragraph (b) shall be in writing.
- (5) An authority shall comply with [<sup>F40</sup>a duty under this paragraph] to notify a council of an alteration by—  
 (a) sending a copy of the alteration to the council; or  
 (b) informing the council in writing of its general effect,  
 but they need not notify a council of an alteration which in their opinion is trivial.
- (6) A development order may require a local planning authority which is dealing with an application of which a council is entitled to be notified—  
 (a) to give the council an opportunity to make representations to them as to the manner in which the application should be determined;  
 (b) to take into account any such representations;



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- (c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.]

#### Textual Amendments

- F34** Sch. 1 para. 8 substituted (2.1.1992 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(5\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5); S.I. 1992/2831, [art. 2](#) (with art. 3)
- F35** Words in Sch. 1 para. 8(1) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 41\(4\)](#); S.I. 2016/733, reg. 3(d)
- F36** Words in Sch. 1 para. 8(1)(2)(a) repealed (1.4.1996) by 1994 c. 19, ss. 20(4), 66(8), Sch. 6 Pt. II para. 24(15), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F37** Words in Sch. 1 para. 8(2)(b)(i) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 41\(4\)](#); S.I. 2016/733, reg. 3(d)
- F38** Sch. 1 para. 8(3A)-(3E) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), [ss. 2\(3\)](#), 46(3); S.I. 2018/38, reg. 3(a)
- F39** Words in Sch. 1 para. 8(4) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), [ss. 2\(4\)](#), 46(3); S.I. 2018/38, reg. 3(a)
- F40** Words in Sch. 1 para. 8(5) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), [ss. 2\(5\)](#), 46(3); S.I. 2018/38, reg. 3(a)

<sup>F41</sup>8A (1) A local planning authority who have the function of determining applications for planning permission or permission in principle shall, if requested to do so by a neighbourhood forum for an area which (or any part of which) is situated in the authority's area, notify the neighbourhood forum of—

- (a) any relevant planning application; and  
(b) any alteration to that application accepted by the authority.

[ Sub-paragraph (1B) applies to a local planning authority who have the function of

<sup>F42</sup>(1A) determining applications for planning permission or permission in principle if—

- (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority's area, and  
(b) a neighbourhood forum are authorised to act in relation to the neighbourhood area as a result of section 61F.

(1B) The local planning authority must notify the neighbourhood forum of—

- (a) any relevant planning application, and  
(b) any alteration to that application accepted by the authority.

(1C) Sub-paragraph (1B) does not apply if the neighbourhood forum has notified the local planning authority in writing that it does not wish to be notified of any such application.

(1D) If the neighbourhood forum has notified the local planning authority in writing that it only wishes to be notified under sub-paragraph (1B) of applications of a particular description, that sub-paragraph only requires the authority to notify the forum of applications of that description.]

(2) In this paragraph—

<sup>F43</sup>“neighbourhood area” means an area designated as such under section 61G;]

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“neighbourhood forum” means an organisation or body designated as such under section 61F;

[<sup>F44</sup>“relevant neighbourhood development plan” means—

- ((a)) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3F), or
- ((b)) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (development plans which have been approved in a referendum or made);]

“relevant planning application” means an application which—

- (a) relates to land in the area for which the neighbourhood forum is designated; and
- (b) is an application for—
  - (i) planning permission or permission in principle; or
  - (ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.

- (3) Sub-paragraphs [<sup>F45</sup>(3) and (4) to (6)] of paragraph 8 have effect for the purposes of this paragraph, any reference to a parish council being read as a reference to a neighbourhood forum.]

**Textual Amendments**

- F41** Sch. 1 para. 8A inserted (1.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 142**, 216(3); [S.I. 2016/733](#), reg. 4(1)(b)
- F42** Sch. 1 para. 8A(1A)-(1D) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 2(7)**, 46(3); [S.I. 2018/38](#), reg. 3(a)
- F43** Words in Sch. 1 para. 8A(2) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 2(8)(a)**, 46(3); [S.I. 2018/38](#), reg. 3(a)
- F44** Words in Sch. 1 para. 8A(2) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 2(8)(b)**, 46(3); [S.I. 2018/38](#), reg. 3(a)
- F45** Words in Sch. 1 para. 8A(3) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 2(9)**, 46(3); [S.I. 2018/38](#), reg. 3(a)

- 9 (1) The functions of local planning authorities under the provisions of this Act relating to simplified planning zone schemes shall be exercised in non-metropolitan counties by the district planning authorities.

<sup>F46</sup>(2) .....

<sup>F46</sup>(3) .....

**Textual Amendments**

- F46** Sch. 1 para. 9(2)(3) repealed (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 28**, 84(6), [Sch. 5 Pt. II para.3](#), **Sch. 19 Pt. I** (with s. 84(5)); [S.I. 1991/2728](#), **art.2**; [S.I. 1992/2413](#), **art. 2** (with art. 3); [S.I. 1992/2831](#), **art. 2**, **Sch.**

- 10 Elsewhere than in a National Park, the functions of a local planning authority under section 94 shall be exercisable by the district planning authority, except that where the relevant planning permission was granted by the county planning authority,

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those functions, so far as relating to that permission, shall be exercisable by the county planning authority and also by the district planning authority after consulting the county planning authority.

- 11 (1) The functions of a local planning authority of—
- (a) making orders under section 97 revoking or modifying planning permission [F47 or permission in principle], or under section 102 requiring discontinuance of use, imposing conditions on continuance of use or requiring the alteration or removal of buildings or works, or
  - (b) issuing enforcement notices under section 172 or serving [F48] planning contravention notices under section 171C or [F49] stop notices under section 183 [F49] or breach of condition notices under section 187A],
- shall, subject to sub-paragraphs (2) to (4), be exercisable by the district planning authority.
- (2) In a case where it appears to the district planning authority of a district in a non-metropolitan county that the functions mentioned in sub-paragraph (1) relate to county matters, they shall not exercise those functions without first consulting the county planning authority.
- (3) Subject to sub-paragraph (4), in a non-metropolitan county those functions shall also be exercisable by a county planning authority in a case where it appears to that authority that they relate to a matter which should properly be considered a county matter.
- (4) In relation to a matter which is a county matter by virtue of any of the provisions of paragraph 1(1)(a) to (h) the functions of a local planning authority specified in sub-paragraph (1)(b) shall only be exercisable by the county planning authority in their capacity as mineral planning authority.

#### Textual Amendments

- F47** Words in Sch. 1 para. 11(1)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 12 para. 41\(4\)](#); S.I. 2016/733, reg. 3(d)
- F48** Words in Sch. 1 para. 11(1)(b) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 53\(6\)](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)
- F49** Words in Sch. 1 para. 11(1)(b) inserted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 53\(6\)](#)(with s. 84(5)); S.I. 1992/1630, art. 2, [Sch. 1](#) (with art. 3(1))

12 In sections 178(1), 181(4)(b) and 190(2) to (5) any reference to the local planning authority shall be construed as a reference to the authority who issued the notice or made the order in question or, in the case of an notice issued or an order made by the Secretary of State, the authority named in the notice or order.

<sup>F50</sup> [ 12A The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question]

#### Textual Amendments

- F50** Sch. 1 para. 12A inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 53\(7\)](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)

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- 13 (1) [<sup>F51</sup>In the case of any area for which there is both a district planning authority and a county planning authority, the county planning authority] may only make a tree preservation order—
  - (a) if they make it in pursuance of section 197(b);
  - (b) if it relates to land which does not lie wholly within the area of a single district planning authority;
  - (c) if it relates to land in which the county planning authority hold an interest;  
F52  
...
  - (d) .....
- (2) Where a local planning authority have made a tree preservation order under section 198 or the Secretary of State has made such an order by virtue of section 202, the powers of varying or revoking the order and the powers of dispensing with section 206 or serving, or appearing on an appeal relating to, a notice under section 207 shall be exercisable only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.

**Textual Amendments**

**F51** Words in Sch. 1 para. 13(1) substituted (1.4.1997) by 1995 c. 25, s. 78, Sch. 10 para. 32(14)(b) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, art. 2

**F52** Sch. 1 para. 13(d) and word “or” preceding it repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, Sch.

- 14 The functions of local planning authorities under sections 69, 211, 214, 220, 221, 224 and 225, and in non-metropolitan counties the functions under section 215, are exercisable by district planning authorities.
- 15 (1) The copy of the notice required to be served by paragraph 4(5) of Schedule 8 on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.
- (2) References in paragraphs 3(2) and 5(1) of that Schedule to the local planning authority shall be construed as references to the local planning authority on whom that copy is required to be served.

*Compensation*

- 16 (1) Claims for payment of compensation under section 107 (including that section as applied by section 108) and sections <sup>F53</sup>... 115(1) to (4), 186 and 223 shall, subject to sub-paragraph (3), be made to and paid by the local planning authority who took the action by virtue of which the claim arose or, where that action was taken by the Secretary of State, the local planning authority from whom the appeal was made to him or who referred the matter to him or, in the case of an order made or notice served by him by virtue of section 100, 104 or 185, the appropriate authority, and references in those sections to a local planning authority shall be construed accordingly.
- (2) In this paragraph “appropriate authority” means—

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- (a) in the case of a claim for compensation under section 107 or 108, the local planning authority who granted, or are to be treated for the purposes of section 107 as having granted, the planning permission [<sup>F54</sup>or permission in principle] the revocation or modification of which gave rise to the claim;
  - (b) in the case of a claim for compensation under section 115(1) to (4) or 186, the local planning authority named in the relevant order or stop notice of the Secretary of State;
  - (c) in the case of a claim for compensation under section 223, the district planning authority.
- (3) The Secretary of State may after consultation with all the authorities concerned direct that where a local planning authority is liable to pay compensation under any of the provisions mentioned in sub-paragraph (1) in any particular case or class of case they shall be entitled to be reimbursed the whole of the compensation or such proportion of it as he may direct from one or more authorities specified in the direction.
- (4) The local planning authority by whom compensation is to be paid and to whom claims for compensation are to be made under section 144(2) shall be the district planning authority.

#### Textual Amendments

- F53** Word in Sch. 1 para. 16(1) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(4), 84(6), Sch. 6 para. 39, **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)
- F54** Words in Sch. 1 para. 16(2)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 41(4)**; S.I. 2016/733, reg. 3(d)

- 17 [<sup>F55</sup>Claims for payment of compensation under a tree preservation order by virtue of section 203, and claims for payment of compensation under section 204 by virtue of directions given in pursuance of such an order, shall be made to and paid by the local planning authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order; and the reference in section 204(2) to the authority exercising functions under the tree preservation order shall have effect subject to the provisions of this paragraph.]

#### Textual Amendments

- F55** Sch. 1 para. 17 repealed (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 13** (with s. 226); S.I. 2012/601, art. 2(c), Sch.

- 18 The local planning authority by whom compensation is to be paid under section 279(1)(a) to statutory undertakers shall be the authority who referred the application for planning permission [<sup>F56</sup>or permission in principle] to the Secretary of State and the appropriate Minister, or from whose decision the appeal was made to them or who served the enforcement notice appealed against, as the case may be.

#### Textual Amendments

- F56** Words in Sch. 1 para. 18 inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 41(4)**; S.I. 2016/733, reg. 3(d)

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*The Crown*

- 19 (1) Elsewhere than in a metropolitan county or a National Park the functions conferred by section 302 and Schedule 15 on the authority responsible for enforcing planning control shall, subject to sub-paragraph (3)—
- (a) in the case of works on or a use of land which in the opinion of the district planning authority relates to a county matter, be exercised by the county planning authority;
  - (b) in any other case be exercised by the district planning authority.

<sup>F57</sup>(2) .....

[<sup>F58</sup>(2A) As respects the area of any National Park for which a National Park authority is the local planning authority those functions shall be exercised by that authority.]

- (3) Every application made under subsection (3) of that section to an authority responsible for enforcing planning control shall be made to the district planning authority who, in the case of an application falling to be determined by the county planning authority, shall send it on to the latter.
- (4) A county planning authority determining any such application shall give the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application should be determined and shall take any such recommendations into account.
- (5) A county or district planning authority who have dealt with any such application shall notify the district or, as the case may be, the county planning authority of the terms of their determination or, in a case where the application has been referred to the Secretary of State, the date when it was so referred.

**Textual Amendments**

- F57** Sch. 1 para. 19(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F58** Sch. 1 para. 19(2A) inserted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 32(14)(c)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, **art. 2**

*Miscellaneous*

- 20 (1) The local planning authority whom the Secretary of State is required to consult under section [<sup>F59</sup>100(3), 104(3), 196A(3), 202(1) or 214B(6)] or serve with a notice of his proposals under section 100(4) or 104(4) shall be the county planning authority or the district planning authority, as he thinks appropriate, and references in sections 100(2), (3) and (4) and 104(2), (3) and (4) and 202 to the local planning authority shall be construed accordingly.
- (2) In sections 96, 182 and 185 any reference to the local planning authority shall be construed as a reference to the county planning authority or the district planning authority, as the Secretary of State thinks appropriate.
- <sup>F60</sup>[( 3 ) In relation to land in the area of a joint planning board, a person entering into a planning obligation under section 106 or 299A may identify the council of the county in which the land is situated as the authority by whom the obligation is enforceable.]

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(4) In paragraph 16 of Schedule 13 the reference to the local planning authority shall be construed—

<sup>F61</sup>(a) .....

(b) in relation to land <sup>F62</sup>[<sup>F63</sup> . . . land in an area the local planning authority for which comprises both a county planning authority and a district planning authority], as a reference to the district planning authority.

#### Textual Amendments

- F59** Words in Sch. 1 para. 20(1) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(8\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)
- F60** Sch. 1 para. 20(3) substituted (25.10.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 53\(9\)](#)(with s. 84(5)); S.I. 1991/2272, [art. 3](#)
- F61** Sch. 1 para. 20(4)(a) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, [art. 2](#), [Sch.](#)
- F62** By [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, [art. 2](#), [Sch.](#) it is provided (1.4.1997) that the word “other” in Sch. 1 para. 20(4)(b) shall be repealed
- F63** Words in Sch. 1 para. 20(4)(b) substituted (1.4.1997) by [1995 c. 25, s. 78](#), [Sch. 10 para. 32\(14\)\(d\)\(ii\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1996/2560, [art. 2](#)

21 (1) Subject to sub-paragraph (2), the provisions of this Schedule do not apply in Greater London.

(2) Paragraph 5(3) of this Schedule applies in Greater London and paragraph 2(3) of Part I and of Part II of Schedule 2 shall apply as respects the temporary application of paragraph 7(1) of this Schedule in the metropolitan counties and in Greater London respectively.

## [<sup>F64</sup>SCHEDULE 1A

### DISTRIBUTION OF LOCAL PLANNING AUTHORITY FUNCTIONS: WALES

#### Textual Amendments

- F64** Sch. 1A inserted (1.4.1996) by [1994 c. 19, s. 18\(7\)](#), [Sch. 4](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1995/3198, [art. 4](#), [Sch. 2](#)

1 (1) Where a local planning authority are not the local highway authority, the Secretary of State may include in a development order such provisions as he thinks fit enabling the local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority—

(a) the formation, laying out or alteration of any means of access to—

(i) a road classified under section 12(3) of the <sup>M3</sup> Highways Act 1980 or section 27 of the <sup>M4</sup> Local Government Act 1966; or

(ii) a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;

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- (b) any other operations or use of land which appear to the local highway authority to be likely to—
  - (i) result in a material increase in the volume of traffic entering or leaving such a classified or proposed road;
  - (ii) prejudice the improvement or construction of such a road; or
  - (iii) result in a material change in the character of traffic entering, leaving or using such a road.
- (2) The reference to a local planning authority in sub-paragraph (1) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 of the <sup>M5</sup> Local Government, Planning and Land Act 1980, and no provision of a development order which is included in it by virtue of that sub-paragraph is to be construed as applying to such a corporation.
- (3) The Secretary of State may include in a development order provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission for such descriptions of development as may be specified in the order.

#### **Marginal Citations**

- M3** 1980 c. 66.
- M4** 1966 c. 42.
- M5** 1980 c. 65.

- 2 (1) A local planning authority who have the function of determining applications for planning permission shall, if requested to do so by the council for any community or group of communities situated in their area, notify that council of—
  - (a) any relevant planning application; and
  - (b) any alteration to that application accepted by the authority.
- (2) In sub-paragraph (1) “ relevant planning application ” means an application which—
  - (a) relates to land in the community or (as the case may be) one of the communities concerned; and
  - (b) is an application for—
    - (i) planning permission; or
    - (ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.
- (3) Any request made for the purposes of sub-paragraph (1) shall be in writing and shall state that the community council wishes to be notified of all relevant applications or all applications of a description specified in the request.
- (4) An authority shall comply with the duty to notify a community council of an application by—
  - (a) sending the council a copy of the application; or
  - (b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates,
 and any notification falling within paragraph (b) shall be in writing.



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- (5) An authority shall comply with their duty to notify a community council of an alteration by—
- (a) sending a copy of the alteration to the council; or
  - (b) informing the council in writing of its general effect,
- but they need not notify a community council of an alteration which in their opinion is trivial.
- (6) A development order may require a local planning authority who are dealing with an application of which a community council is entitled to be notified—
- (a) to give to the council an opportunity to make representations to them as to the manner in which the application should be determined;
  - (b) to take into account any such representations;
  - (c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.
- 3 Paragraphs 4 to 10 apply only in relation to any area for which, by virtue of any provision of or made under section 6, 7 or 8, there is more than one local planning authority.
- 4 In sections 178(1), 181(4)(b) and 190(2), (3) and (5) any reference to the local planning authority shall be construed as a reference to the authority who issued the notice or made the order in question or, in the case of a notice issued or an order made by the Secretary of State, the authority named in the notice or order.
- 5 The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question.
- 6 Where a local planning authority have made a tree preservation order under section 198 or the Secretary of State has made such an order by virtue of section 202, the powers of varying or revoking the order and the powers of dispensing with section 206 or serving, or appearing on an appeal relating to, a notice under section 207 shall be exercisable only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.
- 7 (1) The copy of the notice required to be served by paragraph 4(5) of Schedule 8 on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.
- (2) References in paragraphs 3(2) and 5(1) of that Schedule to the local planning authority shall be construed as references to the local planning authority on whom that copy is required to be served.

### *Compensation*

- 8 (1) Claims for payment of compensation under section 107 (including that section as applied by section 108) and sections 115(1) to (4) and 186 shall, subject to subparagraph (3), be made to and paid by the local planning authority who took the action by virtue of which the claim arose or, where that action was taken by the Secretary

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of State, the local planning authority from whom the appeal was made to him or who referred the matter to him or, in the case of an order made or notice served by him by virtue of section 100, 104 or 185, the appropriate authority, and references in those sections to a local planning authority shall be construed accordingly.

- (2) In this paragraph “ appropriate authority ” means—
- (a) in the case of a claim for compensation under section 107 or 108, the local planning authority who granted, or are to be treated for the purposes of section 107 as having granted, the planning permission the revocation or modification of which gave rise to the claim; and
  - (b) in the case of a claim for compensation under section 115(1) to (4) or 186, the local planning authority named in the relevant order or stop notice of the Secretary of State.

[ Sub-paragraph (2B) applies where the planning permission the revocation or  
<sup>F65</sup>(2A) modification of which gave rise to the claim was granted by the Welsh Ministers by virtue of section 62D, 62F, 62M or 62O.

- (2B) The local planning authority to which the application for planning permission would, but for the section in question, have been made, are to be treated for the purposes of sub-paragraph (2)(a) as having granted the permission.]
- (3) The Secretary of State may, after consultation with all the authorities concerned, direct that where a local planning authority is liable to pay compensation under any of the provisions mentioned in sub-paragraph (1) in any particular case or class of case they shall be entitled to be reimbursed the whole of the compensation or such proportion of it as he may direct from one or more authorities specified in the direction.

#### **Textual Amendments**

**F65** Sch. 1A para. 8(2A)(2B) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), Sch. 4 para. 22; S.I. 2016/52, art. 3(e)

- 9 Claims for payment of compensation under a tree preservation order by virtue of section 203, and claims for payment of compensation under section 204 by virtue of directions given in pursuance of such an order, shall be made to and paid by the local planning authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order; and the reference in section 204(2) to the authority exercising functions under the tree preservation order shall have effect subject to the provisions of this paragraph.
- 10 The local planning authority by whom compensation is to be paid under section 279(1)(a) to statutory undertakers shall be the authority who referred the application for planning permission to the Secretary of State and the appropriate Minister, or from whose decision the appeal was made to them or who served the enforcement notice appealed against, as the case may be.

#### *Miscellaneous*

- 11 In relation to land in the area of a joint planning board, a person entering into a planning obligation under section 106 or 299A may identify the council of the county or county borough in which the land is situated as the authority by whom the obligation is enforceable.]

*Status: Point in time view as at 25/05/2020.*

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## SCHEDULE 2

Sections 28 and 54.

### DEVELOPMENT PLANS: TRANSITIONAL PROVISIONS

#### <sup>F66</sup>~~F66~~ PART I

#### THE METROPOLITAN COUNTIES

.....

##### Textual Amendments

**F66** Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, Sch. 6 para. 17, [Sch. 9](#) (with s. 111)

##### Modifications etc. (not altering text)

**C1** Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.5.1994) by [S.I. 1994/1210](#), [art. 7\(3\)\(a\)](#)  
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by [S.I. 1996/1863](#), [art. 4\(4\)\(a\)](#)  
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by [S.I. 1996/1867](#), [art. 13\(4\)\(a\)](#)  
Sch. 2 Pt. I applied (with modifications) (*temp.* from 1.4.1998) by [S.I. 1996/1875](#), [art. 5\(6\)\(a\)](#)

#### <sup>F69</sup>[PART IA

#### WALES

##### Textual Amendments

**F69** Sch. 2 Pt. IA inserted (1.4.1996) by [1994 c. 19](#), s. 20(3), [Sch. 5 Pt. II para. 8](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); [S.I. 1995/3198](#), art. 4, [Sch. 2](#)

#### *Continuation of structure, local and old development plans*

- 1 (1) Every existing plan which relates to any part of Wales shall continue in force on and after 1st April 1996.
- (2) When a unitary development plan has become fully operative for the area of a local planning authority in Wales—
- (a) any existing plan which is for the time being in force; and
  - (b) any interim plan,
- shall cease to have effect in respect of its plan area to the extent that it is comprised in the area of that local planning authority.
- (3) Any existing plan or interim plan shall, while it continues in force in respect of the area, or part of the area, of any local planning authority in Wales, be treated for the purposes of—
- (a) this Act,
  - (b) any other enactment relating to town and country planning,
  - (c) the <sup>M6</sup> Land Compensation Act 1961, and
  - (d) the <sup>M7</sup> Highways Act 1980,

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as being, or as being comprised in, the development plan in respect of that area or, as the case may be, that part of that area.

(4) Sub-paragraphs (1) to (3) have effect subject to the provisions of this Part of this Schedule and the 1994 Act transitional provisions.

(5) In this paragraph—

“ the 1994 Act transitional provisions ” means the provisions of Part III of Schedule 5 to the Local Government (Wales) Act 1994;

“ existing plan ” means a—

- (a) structure plan;
- (b) local plan; or
- (c) old development plan,

to the extent that it was in force in respect of any area in Wales immediately before 1st April 1996 (and includes any alteration made to, or replacement of, the plan after that date under the 1994 Act transitional provisions);

“ interim plan ” means any modified plan (within the meaning of the 1994 Act transitional provisions) which comes into force in respect of any area in Wales on or after 1st April 1996 under those provisions;

“ old development plan ” means any plan which was in force immediately before 1st April 1996 by virtue of Schedule 7 to the <sup>M8</sup> Town and Country Planning Act 1971 and Part III of this Schedule; and

“ plan area ”, in relation to an existing plan or interim plan, means the area in respect of which it was in force immediately before 1st April 1996 or, as the case may be, comes into force on or after that date.

#### **Marginal Citations**

**M6** 1961 c. 33.

**M7** 1980 c. 66.

**M8** 1971 c. 78.

#### *Revocation of structure plan*

- 2 (1) Where under Chapter I of Part II of this Act the Secretary of State approves all or any of Part I of a unitary development plan for the whole or part of the area of a local planning authority in Wales (“ the relevant whole or part area ”), he may by order—
- (a) wholly or partly revoke an existing plan which is a structure plan in respect of the plan area, to the extent that it is comprised in the relevant whole or part area or any part of it; and
  - (b) make such consequential amendments to that existing plan as appear to him to be necessary or expedient.
- (2) Before making an order under this paragraph, the Secretary of State shall consult the local planning authority for the area to which the unitary development plan relates.

#### *Incorporation of current policy in unitary development plan*

- 3 (1) This paragraph applies where—

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- (a) a unitary development plan is being prepared for the area of a local planning authority in Wales;
  - (b) the local planning authority preparing that plan have published in the prescribed manner a statement in the prescribed form identifying a policy included in the plan as an existing policy;
  - (c) one or more local plans is or, as the case may be, are together in force throughout the policy area; and
  - (d) a local inquiry or other hearing is held for the purpose of considering any objection to the plan.
- (2) The person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—
- (a) the objection is to a policy identified in the statement published under sub-paragraph (1)(b);
  - (b) the policy so identified is an existing policy; and
  - (c) there has been no significant change in circumstances affecting the existing policy since it first formed part of any plan mentioned in sub-paragraph (1)(c).
- (3) In this paragraph—
- “ existing policy ” means a policy the substance of which (however expressed) was contained in the local plan or local plans mentioned in sub-paragraph (1)(c);
  - “ policy ” includes a proposal; and
  - “ policy area ” means so much of the area of the local planning authority to which the policy concerned relates.

*Meaning of “local plan”*

- 4 In this Part of this Schedule, “ local plan ” includes—
- (a) a minerals local plan;
  - (b) a waste local plan;
  - (c) a local plan adopted or approved before the commencement of Part I of Schedule 4 to the <sup>M9</sup> Planning and Compensation Act 1991 or under Part III of that Schedule. ]

**Marginal Citations**

**M9** 1991 c. 34.

F70F70 **PART II**

GREATER LONDON

.....

*Status: Point in time view as at 25/05/2020.*

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### Textual Amendments

- F70** Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, Sch. 6 para. 17, **Sch. 9** (with s. 111)

## F85F85 PART III

### OLD DEVELOPMENT PLANS

### Textual Amendments

- F85** Sch. 2 Pts. 1, 2, 3 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, Sch. 6 para. 17, **Sch. 9** (with s. 111)

### Modifications etc. (not altering text)

- C2** Sch. 2 Pt. III applied (*temp.* from 1.5.1994) by [S.I. 1994/1210](#), **art. 7(3)**  
 Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by [S.I. 1996/1863](#), **art. 4(4)(b)**  
 Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by [S.I. 1996/1867](#), **art. 13(4)(b)**  
 Sch. 2 Pt. III applied (*temp.* from 1.4.1998) by [S.I. 1996/1875](#), **art. 5(6)(b)**

## SCHEDULE 3

Sections 55, 107 and 114.

### DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

#### PART I

##### DEVELOPMENT NOT RANKING FOR COMPENSATION UNDER S. 114

- 1 The carrying out of—
- (a) the rebuilding, as often as occasion may require, of any building which was in existence on 1st July 1948, or of any building which was in existence before that date but was destroyed or demolished after 7th January 1937, including the making good of war damage sustained by any such building;
  - (b) the rebuilding, as often as occasion may require, of any building erected after 1st July 1948 which was in existence at a material date;
  - (c) the carrying out for the maintenance, improvement or other alteration of any building, of works which—
    - (i) affect only the interior of the building, or do not materially affect the external appearance of the building, and
    - (ii) are works for making good war damage,
 so long as the cubic content of the original building is not substantially exceeded.

*Status: Point in time view as at 25/05/2020.*

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**Modifications etc. (not altering text)**

**C3** Sch. 3 para. 1(b) modified (E.W.S.) (1.10.2011) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) Regulations 2011 \(S.I. 2011/2055\)](#), regs. 1, **62(2)**

2 The use as two or more separate dwellinghouses of any building which at a material date was used as a single dwellinghouse.

**PART II**

DEVELOPMENT RANKING FOR COMPENSATION UNDER S. 114

**F86**<sup>3</sup> .....

**Textual Amendments**

**F86** Sch. 3 paras 3-8 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch. 6 para. 40(1), [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F87**<sup>4</sup> .....

**Textual Amendments**

**F87** Sch. 3 paras. 3-8 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch. 6 para. 40(1), [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

**F88**<sup>5</sup> .....

**Textual Amendments**

**F88** Sch. 3 paras. 3-8 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch.6 para. 40(1), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F89**<sup>6</sup> .....

**Textual Amendments**

**F89** Sch. 3 paras. 3-8 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch.6 para. 40(1), [Sch. 19 Pt.II](#)(with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

**F90**<sup>7</sup> .....

**Textual Amendments**

**F90** Sch. 3 paras. 3-8 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), Sch. 6 para. 40(1), [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F91**<sup>8</sup> .....

*Status: Point in time view as at 25/05/2020.*

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**Textual Amendments**

**F91** Sch 3 paras. 3-8 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), [Sch. 6 para. 40\(1\)](#), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

**PART III**

SUPPLEMENTARY PROVISIONS

- 9 Where after 1st July 1948—
- (a) any buildings or works have been erected or constructed, or any use of land has been instituted, and
  - (b) any condition imposed under Part III of this Act, limiting the period for which those buildings or works may be retained, or that use may be continued, has effect in relation to those buildings or works or that use,
- this Schedule shall not operate except as respects the period specified in that condition.
- 10 (1) Any reference in this Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.
- (2) For the purposes of [<sup>F92</sup>paragraph 1] the cubic content of a building is substantially increased or exceeded—
- (a) in the case of a dwellinghouse, if it is increased or exceeded by more than one-tenth or 1,750 cubic feet, whichever is the greater; and
  - (b) in any other case, if it is increased or exceeded by more than one-tenth.

**Textual Amendments**

**F92** Words in Sch. 3 para. 10(2) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(5), [Sch. 6 para. 40\(2\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

<sup>F93</sup>11 .....

**Textual Amendments**

**F93** Sch. 3 para. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), [Sch. 6 para. 40\(1\)](#), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

- 12 (1) In this Schedule “at a material date” means at either—
- (a) 1st July 1948; or
  - (b) the date by reference to which this Schedule falls to be applied in the particular case in question.
- (2) Sub-paragraph (1)(b) shall not apply in relation to any buildings, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.
- 13 (1) In relation to a building erected after 1st July 1948 which results from the carrying out of any such works as are described in paragraph 1, any reference in this Schedule to the original building is a reference to the building in relation to which those works



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were carried out and not to the building resulting from the carrying out of those works.

<sup>F94</sup>[( 2 ) This paragraph does not apply for the purposes of sections 111 and 138.]

**Textual Amendments**

**F94** Sch. 3 para. 13(2) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(5), [Sch. 6 para. 40\(3\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

<sup>F95</sup>14 .....

**Textual Amendments**

**F95** Sch. 3 para. 14 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31, 84(6), [Sch. 6 para. 40\(1\)](#), [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

SCHEDULE 4

Section 57(7).

SPECIAL PROVISIONS AS TO LAND USE IN 1948

- 1 Where on 1st July 1948 land was being temporarily used for a purpose other than the purpose for which it was normally used, planning permission is not required for the resumption of the use of the land for the latter purpose before 6th December 1968.
- 2 Where on 1st July 1948 land was normally used for one purpose and was also used on occasions, whether at regular intervals or not, for another purpose, planning permission is not required in respect of the use of the land for that other purpose on similar occasions on or after 6th December 1968 if the land has been used for that other purpose on at least one similar occasion since 1st July 1948 and before the beginning of 1968.
- 3 Where land was unoccupied on 1st July 1948, but had before that date been occupied at some time on or after 7th January 1937, planning permission is not required in respect of any use of the land begun before 6th December 1968 for the purpose for which the land was last used before 1st July 1948.
- 4 Notwithstanding anything in paragraphs 1 to 3, the use of land as a caravan site shall not, by virtue of any of those paragraphs, be treated as a use for which planning permission is not required, unless the land was so used on one occasion at least during the period of two years ending with 9th March 1960.

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## [<sup>F96</sup>SCHEDULE 4A

### LOCAL DEVELOPMENT ORDERS: PROCEDURE

#### Textual Amendments

**F96** Sch. 4A inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 1](#) (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(c); S.I. 2012/1100, art. 2

#### *Preparation*

- 1 (1) A local development order must be prepared in accordance with such procedure as is prescribed by a development order.
- (2) A development order may include provision as to—
- (a) the preparation, submission, approval, adoption, revision, revocation and withdrawal of a local development order;
  - (b) notice, publicity, and inspection by the public;
  - (c) consultation with and consideration of views of such persons and for such purposes as are prescribed;
  - (d) the making and consideration of representations.
- [ Sub-paragraph (2)(a) applies in relation to England as if for “submission, approval, <sup>F97</sup>(2A) adoption,” there were substituted “ adoption, post-adoption submission, ”.]
- (3) Regulations under this paragraph may include provision as to the matters relating to a local development order to be included in the report to be made by a local planning authority under section <sup>F98</sup>... 76 of the Planning and Compulsory Purchase Act 2004.

#### Textual Amendments

**F97** Sch. 4A para. 1(2A) inserted (9.12.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 5\(5\)](#), 35(1); S.I. 2013/2878, art. 2 (with art. 3)

**F98** Words in Sch. 4A para. 1(3) omitted (9.12.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 5\(6\)\(b\)](#), 35(1); S.I. 2013/2878, art. 2 (with art. 3)

#### *Revision*

- 2 (1) The local planning authority may at any time prepare a revision of a local development order.
- (2) An authority in England must prepare a revision of a local development order—
- (a) if the Secretary of State directs them to do so, and
  - (b) in accordance with such timetable as he directs.
- (3) An authority in Wales must prepare a revision of a local development order—
- (a) if the National Assembly for Wales directs them to do so, and
  - (b) in accordance with such timetable as it directs.

<sup>F99</sup>(4) .....

*Status: Point in time view as at 25/05/2020.*

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<sup>F100</sup>(5) .....

(6) This Schedule applies to the revision of a local development order as it applies to the preparation of the order.

**Textual Amendments**

**F99** Sch. 4A para. 2(4) repealed (23.6.2009 for E., 30.4.2012 for W.) by [Planning Act 2008 \(c. 29\)](#), ss. 188(4), 241(3)(4), Sch. 13 (with s. 226); [S.I. 2009/1303](#), art. 2, Sch.; [S.I. 2012/802](#), art. 2(a)(c), Sch.

**F100** Sch. 4A para. 2(5) repealed (23.6.2009 for E., 30.4.2012 for W.) by [Planning Act 2008 \(c. 29\)](#), ss. 188(4), 241(3)(4), Sch. 13 (with s. 226); [S.I. 2009/1303](#), art. 2, Sch.; [S.I. 2012/802](#), art. 2(a)(c), Sch.

*Order to be adopted*

3 A local development order is of no effect unless it is adopted by resolution of the local planning authority.

*Annual report*

<sup>F101</sup>4 .....

**Textual Amendments**

**F101** Sch. 4A para. 4 omitted (9.12.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 5\(6\)\(a\), 35\(1\)](#); [S.I. 2013/2878](#), art. 2 (with art. 3)

*Annual report*

5 (1) The report made [<sup>F102</sup>by a local planning authority] under section 76 of the Planning and Compulsory Purchase Act 2004 must include a report as to the extent to which the local development order is achieving its purposes.

(2) The National Assembly for Wales may prescribe the form and content of the report as it relates to the local development order.]

**Textual Amendments**

**F102** Words in [Sch. 4A para. 5\(1\)](#) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 2 para. 14](#)

*Status: Point in time view as at 25/05/2020.*

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## [<sup>F103</sup>SCHEDULE 4B

Section 61E

### PROCESS FOR MAKING OF NEIGHBOURHOOD DEVELOPMENT ORDERS

#### Textual Amendments

**F103** Sch. 4B inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss. 116(2), 240(5)(j), **Sch. 10**; [S.I. 2012/57](#), art. 4(1)(h) (with arts. 6, 7, 9-11); [S.I. 2012/628](#), art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4); [S.I. 2012/2029](#), arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797](#), art. 4); [S.I. 2013/797](#), arts. 1(2), 2

#### Modifications etc. (not altering text)

**C4** Sch. 4B applied (with modifications) by 2004 c. 5, s. 38A(3) 38C(5) (as inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 9 para. 7**; [S.I. 2012/628](#), art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4); [S.I. 2012/2029](#), arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797](#), art. 4); [S.I. 2013/797](#), arts. 1(2), 2)

#### *Proposals for neighbourhood development orders*

- 1 (1) A qualifying body is entitled to submit a proposal to a local planning authority for the making of a neighbourhood development order by the authority in relation to a neighbourhood area within the area of the authority.
- (2) The proposal must be accompanied by—
  - (a) a draft of the order, and
  - (b) a statement which contains a summary of the proposals and sets out the reasons why an order should be made in the proposed terms.
- (3) The proposal must—
  - (a) be made in the prescribed form, and
  - (b) be accompanied by other documents and information of a prescribed description.
- (4) The qualifying body must send to prescribed persons a copy of—
  - (a) the proposal,
  - (b) the draft neighbourhood development order, and
  - (c) such of the other documents and information accompanying the proposal as may be prescribed.
- (5) The Secretary of State may publish a document setting standards for—
  - (a) the preparation of a draft neighbourhood development order and other documents accompanying the proposal,
  - (b) the coverage in any document accompanying the proposal of a matter falling to be dealt with in it, and
  - (c) all or any of the collection, sources, verification, processing and presentation of information accompanying the proposal.
- (6) The documents and information accompanying the proposal (including the draft neighbourhood development order) must comply with those standards.

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- 2 (1) A qualifying body may withdraw a proposal at any time before the local planning authority make a decision under paragraph 12.
- (2) If—
- (a) a proposal by a qualifying body is made by an organisation or body designated as a neighbourhood forum, and
  - (b) the designation is withdrawn at any time before the proposal is submitted for independent examination under paragraph 7,
- the proposal is to be treated as withdrawn by the qualifying body at that time.
- (3) If the withdrawal of the designation occurs after the proposal is submitted for independent examination under that paragraph, the withdrawal is not to affect the validity of the proposal.

*Advice and assistance in connection with proposals*

- 3 (1) A local planning authority must give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development orders in relation to neighbourhood areas within their area.
- (2) Nothing in this paragraph is to be read as requiring the giving of financial assistance.

*Requirements to be complied with before proposals made or considered*

- 4 (1) Regulations may make provision as to requirements that must be complied with before proposals for a neighbourhood development order may be submitted to a local planning authority or fall to be considered by a local planning authority.
- (2) The regulations may in particular make provision—
- (a) as to the giving of notice and publicity,
  - (b) as to the information and documents that are to be made available to the public,
  - (c) as to the making of reasonable charges for anything provided as a result of the regulations,
  - (d) as to consultation with and participation by the public,
  - (e) as to the making and consideration of representations (including the time by which they must be made),
  - (f) requiring prescribed steps to be taken before a proposal of a prescribed description falls to be considered by a local planning authority, and
  - (g) conferring powers or imposing duties on local planning authorities, the Secretary of State or other public authorities.
- (3) The power to make regulations under this paragraph must be exercised to secure that—
- (a) prescribed requirements as to consultation with and participation by the public must be complied with before a proposal for a neighbourhood development order may be submitted to a local planning authority, and
  - (b) a statement containing the following information in relation to that consultation and participation must accompany the proposal submitted to the authority—
    - (i) details of those consulted,

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- (ii) a summary of the main issues raised, and
- (iii) any other information of a prescribed description.

*Consideration of proposals by authority*

- 5 (1) A local planning authority may decline to consider a proposal submitted to them if they consider that it is a repeat proposal.
- (2) A proposal (“the proposal in question”) is a “repeat” proposal for the purposes of this paragraph if it meets conditions A and B.
- (3) Condition A is that in the period of two years ending with the date on which the proposal in question is received—
- (a) the authority have refused a proposal under paragraph 12 or section 61E(8) that is the same as or similar to the proposal in question, or
  - (b) a referendum on an order relating to a proposal under this Schedule that is the same as or similar to the proposal in question has been held under this Schedule and half or less than half of those voting voted in favour of the order.
- (4) Condition B is that the local planning authority consider that there has been no significant change in relevant considerations since the refusal of the proposal or the holding of the referendum.
- (5) For the purposes of this paragraph “relevant considerations” means—
- (a) national policies and advice contained in guidance issued by the Secretary of State that are relevant to the draft neighbourhood development order to which the proposal in question relates, and
  - (b) the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (6) If the authority decline to consider the proposal, they must notify the qualifying body of that fact and of their reasons for declining to consider it.
- 6 (1) This paragraph applies if—
- (a) a proposal has been made to a local planning authority, and
  - (b) the authority have not exercised their powers under paragraph 5 to decline to consider it.
- (2) The authority must consider—
- (a) whether the qualifying body is authorised for the purposes of a neighbourhood development order to act in relation to the neighbourhood area concerned as a result of section 61F,
  - (b) whether the proposal by the body complies with provision made by or under that section,
  - (c) whether the proposal and the documents and information accompanying it (including the draft neighbourhood development order) comply with provision made by or under paragraph 1, and
  - (d) whether the body has complied with the requirements of regulations made under paragraph 4 imposed on it in relation to the proposal.
- (3) The authority must also consider whether the draft neighbourhood development order complies with the provision made by or under sections 61E(2), 61J and 61L.

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- (4) The authority must—
- (a) notify the qualifying body as to whether or not they are satisfied that the matters mentioned in sub-paragraphs (2) and (3) have been met or complied with, and
  - (b) in any case where they are not so satisfied, refuse the proposal and notify the body of their reasons for refusing it.

*Independent examination*

- 7 (1) This paragraph applies if—
- (a) a local planning authority have considered the matters mentioned in paragraph 6(2) and (3), and
  - (b) they are satisfied that the matters mentioned there have been met or complied with.
- (2) The authority must submit for independent examination—
- (a) the draft neighbourhood development order, and
  - (b) such other documents as may be prescribed.
- (3) The authority must make such arrangements as they consider appropriate in connection with the holding of the examination.
- (4) The authority may appoint a person to carry out the examination, but only if the qualifying body consents to the appointment.
- (5) If—
- (a) it appears to the Secretary of State that no person may be appointed under sub-paragraph (4), and
  - (b) the Secretary of State considers that it is expedient for an appointment to be made under this sub-paragraph,
- the Secretary of State may appoint a person to carry out the examination.
- (6) The person appointed must be someone who, in the opinion of the person making the appointment—
- (a) is independent of the qualifying body and the authority,
  - (b) does not have an interest in any land that may be affected by the draft order, and
  - (c) has appropriate qualifications and experience.
- (7) The Secretary of State or another local planning authority may enter into arrangements with the authority for the provision of the services of any of their employees as examiners.
- (8) Those arrangements may include—
- (a) provision requiring payments to be made by the authority to the Secretary of State or other local planning authority, and
  - (b) other provision in relation to those payments and other financial matters.
- 8 (1) The examiner must consider the following—
- (a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),

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- (b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
  - (c) whether any period specified under section 61L(2)(b) or (5) is appropriate,
  - (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and
  - (e) such other matters as may be prescribed.
- (2) A draft order meets the basic conditions if—
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
  - (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
  - (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
  - (d) the making of the order contributes to the achievement of sustainable development,
  - (e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
  - (f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
  - (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
- (3) Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting.
- (4) Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area.
- (5) In this paragraph “ listed building ” has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft order is compatible with the Convention rights).
- 9 (1) The general rule is that the examination of the issues by the examiner is to take the form of the consideration of written representations.
- (2) But the examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue at the hearing—
- (a) in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case, or
  - (b) in such other cases as may be prescribed.
- (3) The following persons are entitled to make oral representations about the issue at the hearing—
- (a) the qualifying body,



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- (b) the local planning authority,
  - (c) where the hearing is held to give a person a fair chance to put a case, that person, and
  - (d) such other persons as may be prescribed.
- (4) The hearing must be in public.
- (5) It is for the examiner to decide how the hearing is to be conducted, including—
  - (a) whether a person making oral representations may be questioned by another person and, if so, the matters to which the questioning may relate, and
  - (b) the amount of time for the making of a person's oral representations or for any questioning by another person.
- (6) In making decisions about the questioning of a person's oral representations by another, the examiner must apply the principle that the questioning should be done by the examiner except where the examiner considers that questioning by another is necessary to ensure—
  - (a) adequate examination of a particular issue, or
  - (b) a person has a fair chance to put a case.
- (7) Sub-paragraph (5) is subject to regulations under paragraph 11.
- 10 (1) The examiner must make a report on the draft order containing recommendations in accordance with this paragraph (and no other recommendations).
- (2) The report must recommend either—
  - (a) that the draft order is submitted to a referendum, or
  - (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
  - (c) that the proposal for the order is refused.
- (3) The only modifications that may be recommended are—
  - (a) modifications that the examiner considers need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),
  - (b) modifications that the examiner considers need to be made to secure that the draft order is compatible with the Convention rights,
  - (c) modifications that the examiner considers need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
  - (d) modifications specifying a period under section 61L(2)(b) or (5), and
  - (e) modifications for the purpose of correcting errors.
- (4) The report may not recommend that an order (with or without modifications) is submitted to a referendum if the examiner considers that the order does not—
  - (a) meet the basic conditions mentioned in paragraph 8(2), or
  - (b) comply with the provision made by or under sections 61E(2), 61J and 61L.
- (5) If the report recommends that an order (with or without modifications) is submitted to a referendum, the report must also make—
  - (a) a recommendation as to whether the area for the referendum should extend beyond the neighbourhood area to which the order relates, and
  - (b) if a recommendation is made for an extended area, a recommendation as to what the extended area should be.

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- (6) The report must—
    - (a) give reasons for each of its recommendations, and
    - (b) contain a summary of its main findings.
  - (7) The examiner must send a copy of the report to the qualifying body and the local planning authority.
  - (8) The local planning authority must then arrange for the publication of the report in such manner as may be prescribed.
- 11 (1) Regulations may make provision in connection with examinations under paragraph 7.
- (2) The regulations may in particular make provision as to—
    - (a) the giving of notice and publicity in connection with an examination,
    - (b) the information and documents relating to an examination that are to be made available to the public,
    - (c) the making of reasonable charges for anything provided as a result of the regulations,
    - (d) the making of written or oral representations in relation to draft neighbourhood development orders (including the time by which written representations must be made),
    - (e) the written representations which are to be, or which may be or may not be, considered at an examination,
    - (f) the refusal to allow oral representations of a prescribed description to be made at a hearing,
    - (g) the procedure to be followed at an examination (including the procedure to be followed at a hearing),
    - (h) the payment by a local planning authority of remuneration and expenses of the examiner, and
    - (i) the award of costs by the examiner.

*Consideration by authority of recommendations made by examiner etc*

- 12 (1) This paragraph applies if an examiner has made a report under paragraph 10.
- (2) The local planning authority must—
    - (a) consider each of the recommendations made by the report (and the reasons for them), and
    - (b) decide what action to take in response to each recommendation.
  - (3) The authority must also consider such other matters as may be prescribed.
  - (4) If the authority are satisfied—
    - (a) that the draft order meets the basic conditions mentioned in paragraph 8(2), is compatible with the Convention rights and complies with the provision made by or under sections 61E(2), 61J and 61L, or
    - (b) that the draft order would meet those conditions, be compatible with those rights and comply with that provision if modifications were made to the draft order (whether or not recommended by the examiner),

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- a referendum in accordance with paragraph 14, and (if applicable) an additional referendum in accordance with paragraph 15, must be held on the making by the authority of a neighbourhood development order.
- (5) The order on which the referendum is (or referendums are) to be held is the draft order subject to such modifications (if any) as the authority consider appropriate.
- (6) The only modifications that the authority may make are—
- (a) modifications that the authority consider need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),
  - (b) modifications that the authority consider need to be made to secure that the draft order is compatible with the Convention rights,
  - (c) modifications that the authority consider need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
  - (d) modifications specifying a period under section 61L(2)(b) or (5), and
  - (e) modifications for the purpose of correcting errors.
- (7) The area in which the referendum is (or referendums are) to take place must, as a minimum, be the neighbourhood area to which the proposed order relates.
- (8) If the authority consider it appropriate to do so, they may extend the area in which the referendum is (or referendums are) to take place to include other areas (whether or not those areas fall wholly or partly outside the authority's area).
- (9) If the authority decide to extend the area in which the referendum is (or referendums are) to take place, they must publish a map of that area.
- (10) In any case where the authority are not satisfied as mentioned in sub-paragraph (4), they must refuse the proposal.
- (11) The authority must publish in such manner as may be prescribed—
- (a) the decisions they make under this paragraph,
  - (b) their reasons for making those decisions, and
  - (c) such other matters relating to those decisions as may be prescribed.
- (12) The authority must send a copy of the matters required to be published to—
- (a) the qualifying body, and
  - (b) such other persons as may be prescribed.
- 13 (1) If—
- (a) the local planning authority propose to make a decision which differs from that recommended by the examiner, and
  - (b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact,
- the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations.
- (2) If the authority consider it appropriate to do so, they may refer the issue to independent examination.
- (3) Regulations may make provision about examinations under this paragraph (and the regulations may include any provision of a kind mentioned in paragraph 11(2)).

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(4) This paragraph does not apply in relation to recommendations in relation to the area in which a referendum is to take place.

- [<sup>F104</sup>13A Regulations may make provision—
- (a) requiring any prescribed action falling to be taken by the local planning authority under paragraph 12 or 13 to be taken by a prescribed date;
  - (b) imposing time limits for the submission of representations invited under paragraph 13(1).]

**Textual Amendments**

**F104** Sch. 4B para. 13A inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 140(1), 216(1)(d)**

*Referendum*

*Intervention powers of Secretary of State*

- [<sup>F105</sup>13B (1) This paragraph applies where the qualifying body requests the Secretary of State to intervene under this paragraph and—
- (a) the local planning authority have failed, by the applicable date prescribed under paragraph 13A, to take a decision as to whether a referendum is (or referendums are) to be held on the making of a neighbourhood development order,
  - (b) a recommendation made under paragraph 10(2) is not followed by the authority, or
  - (c) the authority make any modification under paragraph 12(5) that is not—
    - (i) a modification recommended under paragraph 10(2)(b),
    - (ii) a modification that the authority consider needs to be made to secure that the draft order does not breach, and is otherwise compatible with, EU obligations,
    - (iii) a modification that the authority consider needs to be made to secure that the draft order is compatible with the Convention rights, or
    - (iv) a modification for the purpose of correcting an error.
- (2) The Secretary of State may exercise functions of the local planning authority under paragraph 12(2) and (3) and—
- (a) if satisfied that paragraph (a) or (b) of paragraph 12(4) applies, may direct the authority to make arrangements for a referendum (or referendums) to be held on the making of a neighbourhood development order;
  - (b) if not so satisfied, may direct the authority to refuse the proposal.
- (3) The Secretary of State may direct the authority to take the actions referred to in paragraph 12(8) and (9).
- (4) If by reason (wholly or partly) of new evidence or a new fact, or a different view taken by the Secretary of State as to a particular fact, the Secretary of State proposes to direct the local planning authority to act in a way that is not in accordance with what was recommended by the examiner—
- (a) the Secretary of State may require the authority to notify prescribed persons of the proposed direction (and the reason for it) and invite representations;

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- (b) the Secretary of State may also require them to refer the issue to independent examination.
- (5) The order on which a referendum is (or referendums are) to be held by virtue of sub-paragraph (2)(a) is the draft order subject to such modification (if any) as the Secretary of State or the local planning authority consider appropriate.
- (6) The only modifications the local planning authority may make under sub-paragraph (5) are—
  - (a) modifications that the authority consider need to be made to secure that the draft order does not breach, and is otherwise compatible with, EU obligations,
  - (b) modifications that the authority consider need to be made to secure that the draft order is compatible with the Convention rights, and
  - (c) modifications for the purpose of correcting errors.

#### Textual Amendments

**F105** Sch. 4B paras. 13B, 13C and cross-heading inserted (1.10.2016) by [Housing and Planning Act 2016](#) (c. 22), **ss. 141(1), 216(3)**; [S.I. 2016/733](#), reg. 4(1)(b)

- [  
F105 13C Regulations may make provision supplementing that made by paragraph 13B; and the regulations may in particular—
- (a) prescribe the form and content of a request by the qualifying body under paragraph 13B(1) and the date by which it must be made;
  - (b) confer power on the Secretary of State to direct a local planning authority to refrain from taking any action specified in the direction that they would otherwise be required or entitled to take under paragraph 12 or 13;
  - (c) make provision under which decisions falling to be made by the Secretary of State under paragraph 13B may be made instead by a person appointed by the Secretary of State for the purpose (an “inspector”);
  - (d) prescribe matters that the Secretary of State or an inspector must take into account in making a decision;
  - (e) require a local planning authority to provide prescribed information to the Secretary of State or to an inspector;
  - (f) make provision about examinations carried out by virtue of paragraph 13B(4)(b) (including any provision of a kind mentioned in paragraph 11(2));
  - (g) make provision (in addition to that made by paragraph 13B(4)(b)) for the holding of an examination, and for the payment by a local planning authority of remuneration and expenses of the examiner;
  - (h) provide for the Secretary of State, or a local planning authority on the direction of the Secretary of State, to notify to prescribed persons and to publish—
    - (i) prescribed decisions made by the Secretary of State under paragraph 13B,
    - (ii) the reasons for making those decisions, and
    - (iii) other prescribed matters relating to those decisions.]

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**Textual Amendments**

**F105** Sch. 4B paras. 13B, 13C and cross-heading inserted (1.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 141(1)**, 216(3); S.I. 2016/733, reg. 4(1)(b)

**Textual Amendments**

**F105** Sch. 4B paras. 13B, 13C and cross-heading inserted (1.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 141(1)**, 216(3); S.I. 2016/733, reg. 4(1)(b)

- 14 (1) This paragraph makes provision in relation to a referendum that, as a result of paragraph 12(4) [<sup>F106</sup>or a direction under paragraph 13B(2)(a)], must be held on the making of a neighbourhood development order.
- (2) A relevant council must make arrangements for the referendum to take place in so much of their area as falls within the area (“the referendum area”) in which the referendum is to take place (as determined under paragraph 12(7) and (8)).
- (3) A “relevant council” means—
- (a) a district council,
  - (b) a London borough council,
  - (c) a metropolitan district council, or
  - (d) a county council in relation to any area in England for which there is no district council.
- (4) A person is entitled to vote in the referendum if on the prescribed date—
- (a) the person is entitled to vote in an election of any councillors of a relevant council any of whose area is in the referendum area, and
  - (b) the person's qualifying address for the election is in the referendum area.
- (5) Sub-paragraph (4) does not apply in relation to so much of the referendum area as falls within the City of London.
- (6) In that case a person is entitled to vote in the referendum if on the prescribed date—
- (a) the person is entitled to vote in an Authority election, and
  - (b) the person's qualifying address for the election is in the City of London.
- (7) For the purposes of this paragraph—
- (a) “Authority election” has the same meaning as in the Representation of the People Act 1983 (see section 203(1)),
  - (b) the Inner Temple and the Middle Temple are to be treated as forming part of the City of London, and
  - (c) “qualifying address” has the same meaning as in the Representation of the People Act 1983 (see section 9).

**Textual Amendments**

**F106** Words in Sch. 4B para. 14(1) inserted (1.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 141(2)**, 216(3); S.I. 2016/733, reg. 4(1)(b)

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- 15 (1) The additional referendum mentioned in paragraph 12(4) must be held on the making of a neighbourhood development order if the draft order relates to a neighbourhood area that has been designated as a business area under section 61H.
- (2) Sub-paragraph (2) of paragraph 14 is to apply in relation to the additional referendum as it applies in relation to a referendum under that paragraph.
- (3) A person is entitled to vote in the additional referendum if on the prescribed date—
- (a) the person is a non-domestic ratepayer in the referendum area, or
  - (b) the person meets such other conditions as may be prescribed.
- (4) “ Non-domestic ratepayer ” has the same meaning as in Part 4 of the Local Government Act 2003 (see section 59(1)).
- (5) Regulations may make provision for excluding a person's entitlement to vote in the additional referendum.
- 16 (1) [<sup>F107</sup>The Secretary of State or the [<sup>F108</sup>Minister for the Cabinet Office] may by regulations] make provision about referendums held under paragraph 14 or 15.
- (2) The regulations may in particular make provision—
- (a) dealing with any case where there are two or more relevant councils any of whose areas fall within the referendum area,
  - (b) for only one relevant council to be subject to the duty to make arrangements for the referendum in a case within paragraph (a),
  - (c) prescribing a date by which the referendum must be held or before which it cannot be held,
  - (d) as to the question to be asked in the referendum and any explanatory material in relation to that question (including provision conferring power on a local planning authority to set the question and provide that material),
  - (e) as to the publicity to be given in connection with the referendum,
  - (f) about the limitation of expenditure in connection with the referendum,
  - (g) as to the conduct of the referendum,
  - (h) as to when, where and how voting in the referendum is to take place,
  - (i) as to how the votes cast are to be counted,
  - (j) about certification as to the number of persons voting in the referendum and as to the number of those persons voting in favour of a neighbourhood development order, and
  - (k) about the combination of polls at a referendum held under paragraph 14 or 15 with polls at another referendum or at any election.
- (3) The regulations may apply or incorporate, with or without modifications, any provision made by or under any enactment relating to elections or referendums.
- (4) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that provision.
- (5) Before making the regulations, the Secretary of State [<sup>F109</sup>or the [<sup>F110</sup>Minister for the Cabinet Office]] must consult the Electoral Commission.
- (6) In this paragraph “ enactment ” means an enactment, whenever passed or made.

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### Textual Amendments

- F107** Words in Sch. 4B para. 16(1) substituted (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), art. 1(2), **Sch. para. 5(a)** (with art. 3)
- F108** Words in Sch. 4B para. 16(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 6** (with art. 12)
- F109** Words in Sch. 4B para. 16(5) inserted (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), art. 1(2), **Sch. para. 5(b)** (with art. 3)
- F110** Words in Sch. 4B para. 16(5) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 6** (with art. 12)

### Modifications etc. (not altering text)

- C5** Sch. 4B para. 16 functions made exercisable concurrently (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), arts. 1(2), **2(a)** (with art. 3)
- C6** Sch. 4B para. 16 functions transferred (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), arts. 1(2), 3(1), **Sch. 1** (with art. 9)
- C7** Sch. 4B para. 16 functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), arts. 1(2), 3(1), **Sch. 1(d)** (with arts. 3(2), 6, 12)

### Interpretation

- 17 In this Schedule—
- “ the Convention rights ” has the same meaning as in the Human Rights Act 1998, and
- “development plan”—
- (a) includes a development plan for the purposes of paragraph 1 of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (transitional provisions), but
- (b) does not include so much of a development plan as consists of a neighbourhood development plan under section 38A of that Act.]

[<sup>F111</sup>SCHEDULE 4C

Section 61Q

### COMMUNITY RIGHT TO BUILD ORDERS

### Textual Amendments

- F111** Sch. 4C inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), ss. 116(3), 240(5)(j), **Sch. 11**; [S.I. 2012/57](#), art. 4(1)(h) (with arts. 6, 7, 9-11); [S.I. 2012/628](#), art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4); [S.I. 2012/2029](#), arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797](#), art. 4)



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### *Introduction*

- 1 (1) This Schedule makes special provision about a particular type of neighbourhood development order, which is to be known as a “community right to build order”.
- (2) In their application to community right to build orders, the provisions of this Act relating to neighbourhood development orders have effect subject to the provision made by or under this Schedule.
- (3) In its application to community organisations, section 61G (meaning of “neighbourhood area”) has effect subject to the provision made by this Schedule.

### *Meaning of “community right to build order”*

- 2 (1) A neighbourhood development order is a community right to build order if—
  - (a) the order is made pursuant to a proposal made by a community organisation,
  - (b) the order grants planning permission for specified development in relation to a specified site in the specified neighbourhood area, and
  - (c) the specified development does not exceed prescribed limits.
- (2) Regulations under sub-paragraph (1)(c) may prescribe a limit by reference to—
  - (a) the area in which the development is to take place,
  - (b) the number or type of operations or uses of land constituting the development, or
  - (c) any other factor.
- (3) In this paragraph “specified” means specified in the community right to build order.

### *Meaning of “community organisation”*

- 3 (1) For the purposes of this Schedule a “community organisation” is a body corporate—
  - (a) which is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area, and
  - (b) which meets such other conditions in relation to its establishment or constitution as may be prescribed.
- (2) Regulations under sub-paragraph (1)(b) may make provision in relation to—
  - (a) the distribution of profits made by the body to its members,
  - (b) the distribution of the assets of the body (in the event of its winding up or in any other circumstances),
  - (c) the membership of the body, and
  - (d) the control of the body (whether by the exercise of voting rights or otherwise).

### *Proposals by community organisations for community right to build orders*

- 4 (1) A community organisation is authorised for the purposes of a community right to build order to act in relation to a neighbourhood area (whether or not any part of the neighbourhood area falls within the area of a parish council) if—
  - (a) the area mentioned in paragraph 3(1)(a) consists of or includes the neighbourhood area, and

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- (b) at the time the proposal for the order is made more than half of the members of the organisation live in the neighbourhood area.
- (2) Accordingly, the community organisation is in that case to be regarded as a qualifying body for the purposes of section 61E.
- (3) Nothing in section 61F is to apply in relation to community right to build orders except subsections (12)(a) and (13)(d) of that section.
- (4) In particular, the reference in section 61F(10) to a neighbourhood development order is not to include a reference to a community right to build order (in a case where a community organisation is also a neighbourhood forum).
- (5) But a local planning authority may decline to consider a proposal for a community right to build order or other neighbourhood development order if—
  - (a) another proposal has been made for a community right to build order or other neighbourhood development order,
  - (b) the other proposal is outstanding, and
  - (c) the authority consider that the development and site to which the proposals relate are the same or substantially the same.
- (6) If the authority decline to consider the proposal, they must notify the person making the proposal of that fact and of their reasons for declining to consider it.
- (7) A proposal for a community right to build order must state that the proposal is for such an order.
- 5 (1) A community organisation is to be regarded as a relevant body for the purposes of section 61G if—
  - (a) the area specified in the application made by the organisation consists of or includes the area mentioned in paragraph 3(1)(a), and
  - (b) at the time the application is made more than half of the members of the organisation live in the area specified in the application.
- (2) The application made by the community organisation may specify any area within the local planning authority's area, irrespective of whether or not any part of the specified area falls within the area of a parish council.
- (3) This paragraph applies only if the application by the community organisation under section 61G is made in connection with a proposal (or an anticipated proposal) for a community right to build order.

*Development likely to have significant effects on environment etc*

- 6 (1) A local planning authority must decline to consider a proposal for a community right to build order if they consider that—
  - (a) the specified development falls within Annex 2 to the EIA directive and is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, or
  - (b) the specified development is likely to have significant effects on a qualifying European site (whether alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site.

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- (2) In determining whether or not the specified development is within sub-paragraph (1) (a), the authority must take into account any relevant criteria mentioned in Annex 3 to the EIA directive.
- (3) If the authority decline to consider the proposal as a result of sub-paragraph (1), they must notify the community organisation making the proposal of that fact and of their reasons for declining to consider it.
- (4) Regulations may make provision requiring the publication of any decisions made by a local planning authority under this paragraph.
- (5) In this paragraph—
  - “ the EIA directive ” means Council Directive [85/337/ EEC](#) on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),
  - “ qualifying European site ” means—
    - (a) a European offshore marine site within the meaning of [<sup>F112</sup>the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013)], or
    - (b) a European site within the meaning of [<sup>F113</sup>the Conservation of Habitats and Species Regulations 2017], and
  - “ specified ” means specified in the community right to build order.

#### Textual Amendments

**F112** Words in [Sch. 4C para. 6\(5\)](#) substituted (30.11.2017) by [The Conservation of Offshore Marine Habitats and Species Regulations 2017 \(S.I. 2017/1013\)](#), [reg. 1](#), [Sch. 4 para. 1\(2\)](#) (with [regs. 3, 4\(2\)](#))

**F113** Words in [Sch. 4C para. 6\(5\)](#) substituted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), [reg. 1\(2\)](#), [Sch. 6 para. 5](#)

#### *Examination of proposals for community right to build orders etc*

- 7 The provisions of Schedule 4B have effect in relation to community right to build orders with the following modifications.
- 8 Any reference in that Schedule to section 61E(2) includes a reference to paragraph 2 of this Schedule.
- 9 Any reference in that Schedule to section 61F includes a reference to paragraph 4 of this Schedule.
- 10
  - (1) The provision made by sub-paragraphs (2) to (5) of this paragraph is to have effect instead of paragraph 12(4) to (6) and (10) of that Schedule.
  - (2) If the examiner's report recommends that the draft order is refused, the authority must refuse the proposal.
  - (3) If the examiner's report recommends that the draft order is submitted to a referendum (with or without modifications), a referendum in accordance with paragraph 14 of that Schedule must be held on the making by the authority of a community right to build order.

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- (4) The order on which the referendum is to be held is the order that the examiner's report recommended be submitted to a referendum subject to such modifications (if any) as the authority consider appropriate.
- (5) The only modifications that the authority may make are—
  - (a) modifications that the authority consider need to be made to secure that the order does not breach, and is otherwise compatible with, EU obligations,
  - (b) modifications that the authority consider need to be made to secure that the order is compatible with the Convention rights (within the meaning of the Human Rights Act 1998), and
  - (c) modifications for the purpose of correcting errors.
- (6) In consequence of the provision made by sub-paragraphs (2) to (5) of this paragraph—
  - (a) paragraph 12(7) to (9) of Schedule 4B have effect as if the words “(or referendums are)” were omitted, and
  - (b) that Schedule has effect as if paragraph 15 (and references to that paragraph) were omitted.
- (7) Any reference in this Act or any other enactment to paragraph 12 of Schedule 4B includes a reference to that paragraph as modified in accordance with this paragraph.

#### *Use of land*

- 11 (1) Regulations may make provision for securing that in prescribed circumstances—
  - (a) an enfranchisement right is not exercisable in relation to land the development of which is authorised by a community right to build order, or
  - (b) the exercise of an enfranchisement right in relation to that land is subject to modifications provided for by the regulations.
- (2) Each of the following is an “enfranchisement right”—
  - (a) the right under Part 1 of the Leasehold Reform Act 1967 to acquire the freehold of a house (enfranchisement),
  - (b) the right under Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (collective enfranchisement in case of tenants of flats), and
  - (c) the right under section 180 of the Housing and Regeneration Act 2008 (right to acquire social housing).
- (3) The regulations may—
  - (a) confer discretionary powers on the Secretary of State, a community organisation or any other specified person, and
  - (b) require notice to be given in any case where, as a result of the regulations, an enfranchisement right is not exercisable or is exercisable subject to modifications.

#### *Different provision made by regulations for community right to build orders*

- 12 (1) The provision that may be made by regulations under any provision of this Act relating to neighbourhood development orders includes different provision in relation to community right to build orders.

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- (2) Sub-paragraph (1) is not to be read as limiting in any way the generality of section 333(2A) (which provides that regulations may make different provision for different purposes).]

## [<sup>F114</sup>SCHEDULE 4D

### EXERCISE OF FUNCTIONS BY APPOINTED PERSON IN CONNECTION WITH DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND APPLICATIONS MADE TO THE WELSH MINISTERS

#### Textual Amendments

**F114** Sch. 4D inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), Sch. 3 para. 1; S.I. 2016/52, art. 3(d)

#### *Exercise of functions in respect of development of national significance and connected applications*

- 1 (1) Unless a direction otherwise is given under paragraph 9, a specified function, so far as exercisable in respect of—
- (a) an application that a person proposes to make under section 62D,
  - (b) an application made under section 62D, or
  - (c) a secondary consent (within the meaning given by section 62H) in respect of which section 62F(2) applies,
- is to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.
- (2) A “specified function”, for the purposes of sub-paragraph (1), is a function exercisable by the Welsh Ministers, under or by virtue of this Act, that is prescribed in regulations made for the purposes of this paragraph by the Welsh Ministers.
- (3) Regulations under this paragraph may contain incidental or consequential provision.

#### *Applications under section 62M or 62O: exercise of functions*

- 2 Unless a direction otherwise is given under paragraph 9—
- (a) an application made under section 62M or 62O is to be determined by a person appointed for the purpose by the Welsh Ministers under this paragraph;
  - (b) functions exercisable by the Welsh Ministers, by virtue of section 61Z1, in respect of an application that a person proposes to make under section 62M or 62O, are to be exercised by a person appointed for the purpose by the Welsh Ministers under this paragraph.

#### *Revocation of appointments*

- 3 Where a person has been appointed under paragraph 1 or 2 in respect of an application or consent, the Welsh Ministers may at any time—
- (a) revoke the appointment, and

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- (b) appoint another person, in respect of the application or consent, under paragraph 1 or 2 (as the case may be).

*Exercise of functions by appointed person*

- 4 (1) This paragraph applies for the purposes of paragraphs 5 to 14.
- (2) References to an appointed person are to a person appointed to exercise functions under paragraph 1 or 2.
- (3) References to a relevant application or consent are to an application or consent, or a proposed application, in respect of which functions are exercisable by a person other than the Welsh Ministers by virtue of the person's appointment under paragraph 1 or 2.
- 5 A person appointed under paragraph 2 to determine an application has, so far as the context permits, the same powers and duties that the Welsh Ministers have by virtue of provision made by a development order by virtue of section 75A.
- 6 (1) Sub-paragraph (2) applies where any enactment (other than this Schedule)—
- (a) refers (or is to be read as referring) to the Welsh Ministers in a context relating to or capable of relating to an application under section 62M or section 62O, or
- (b) refers (or is to be read as referring) to anything (other than the making of an application) done or authorised or required to be done by, to or before the Welsh Ministers in connection with any such application.
- (2) So far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under paragraph 2, as if the reference to the Welsh Ministers were or included a reference to an appointed person.

*Determination by appointed person*

- 7 Where a decision on a relevant application or consent is determined by an appointed person, that person's decision is to be treated as being the decision of the Welsh Ministers (including for the purposes of section 284).
- 8 (1) It is not a ground of application to the High Court under section 288 that the determination ought to have been made by the Welsh Ministers instead of an appointed person, unless the applicant challenges the person's power to make the determination before the person's decision is given.
- (2) But in the case of an application under section 62D or a secondary consent to which section 62F(2) applies, the restriction imposed by sub-paragraph (1) applies only if the function of making the decision in question is a function specified in regulations under paragraph 1.

*Power of Welsh Ministers to exercise functions in place of appointed person*

- 9 The Welsh Ministers may direct that functions specified in the direction are to be exercised, in respect of a relevant application or consent, by them instead of by a person appointed under paragraph 1 or paragraph 2.
- 10 A copy of a direction given under paragraph 9 in respect of a relevant application or consent is to be served on—

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- (a) the person (if any) appointed, in respect of the application or consent, under paragraph 1 or 2;
  - (b) the applicant;
  - (c) in the case of an application under section 62M or 62O, the local planning authority or hazardous substances authority concerned.
- 11 (1) Sub-paragraph (2) applies where, in consequence of a direction under paragraph 9, a decision on an application or consent is to be made by the Welsh Ministers instead of a person appointed under paragraph 1 or 2.
- (2) In making their decision, the Welsh Ministers may take into account any report made to them by any person previously appointed under paragraph 1 or 2 in respect of the application.
- 12 Subject to that, for the purpose of the exercise of functions by the Welsh Ministers in consequence of a direction under paragraph 9, the application or consent concerned is to be treated as though no appointment under paragraph 1 or 2 had ever been made.
- 13 (1) The Welsh Ministers may by a further direction revoke a direction under paragraph 9 at any time before the decision on the application or consent concerned has been made.
- (2) On giving a direction under this paragraph, the Welsh Ministers must serve a copy of the direction on—
- (a) the person, if any, previously appointed under paragraph 1 or 2 in respect of the application or consent;
  - (b) the applicant;
  - (c) in the case of an application under section 62M or 62O, the local planning authority or hazardous substances authority concerned.
- (3) Where a direction is given under this paragraph—
- (a) the Welsh Ministers must appoint a person (the “new appointee”) under paragraph 1 or 2, as the case may be, in respect of the application or consent,
  - (b) anything done by or on behalf of the Welsh Ministers in connection with the application or consent that might have been done by a person appointed under paragraph 1 or 2 is, unless the new appointee directs otherwise, to be treated as having been done by that person, and
  - (c) subject to that, this Schedule applies as if no direction under paragraph 9 had been given.

*Power of Welsh Ministers to appoint assessor*

- 14 Where an appointed person holds a hearing or inquiry in relation to a relevant application or consent, the Welsh Ministers may appoint an assessor to assist the appointed person at the hearing or inquiry.]

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## SCHEDULE 5

Sections 72(5), 79(4), 97(5) and Schedule  
9.

## CONDITIONS RELATING TO MINERAL WORKING

## PART I

## CONDITIONS IMPOSED ON GRANT OF PERMISSION

*Duration of development*

- 1 (1) Every planning permission for development [<sup>F115</sup>—  
(a) consisting of the winning and working of minerals; or  
(b) involving the depositing of mineral waste,]  
shall be subject to a condition as to the duration of the development.
- (2) Except where a condition is specified under sub-paragraph (3), the condition in the case of planning permission granted or deemed to be granted after 22nd February 1982 is that the [<sup>F116</sup>winning and working of minerals or the depositing of mineral waste] must cease not later than the expiration of the period of 60 years beginning with the date of the permission.
- (3) An authority granting planning permission after that date or directing after that date that planning permission shall be deemed to be granted may specify a longer or shorter period than 60 years, and if they do so, the condition is that the [<sup>F116</sup>winning and working of minerals or the depositing of mineral waste] must cease not later than the expiration of a period of the specified length beginning with the date of the permission.(4)A longer or shorter period than 60 years may be prescribed for the purposes of sub-paragraphs (2) and (3).
- (5) The condition in the case of planning permission granted or deemed to have been granted before 22nd February 1982 is that the [<sup>F116</sup>winning and working of minerals or the depositing of mineral waste] must cease not later than the expiration of the period of 60 years beginning with that date.
- (6) A condition to which planning permission for development [<sup>F117</sup>consisting of the winning and working of minerals] is subject by virtue of this paragraph—  
(a) is not to be regarded for the purposes of the planning Acts as a condition such as is mentioned in section 72(1)(b); but  
(b) is to be regarded for the purposes of sections 78 and 79 as a condition imposed by a decision of the local planning authority, and may accordingly be the subject of an appeal under section 78.

**Textual Amendments**

**F115** Words in Sch. 5 para. 1(1) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(1\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F116** Words in Sch. 5 para. 1(2)(3)(5) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(2\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)



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**F117** Words in Sch. 5 para. 1(6) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 14(3), Sch. 19 Pt.I (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

### *Power to impose aftercare conditions*

- 2 (1) Where—
- (a) planning permission for development consisting of the winning and working of minerals [<sup>F118</sup>or involving the depositing of refuse or waste materials] is granted, and
  - (b) the permission is subject to a condition requiring that after [<sup>F119</sup>the winning and working is completed or the depositing has ceased], the site shall be restored by the use of any or all of the following, namely, subsoil, topsoil and soil-making material,
- it may be granted subject also to any such condition as the mineral planning authority think fit requiring that such steps shall be taken as may be necessary to bring land to the required standard for whichever of the following uses is specified in the condition, namely—
- (i) use for agriculture;
  - (ii) use for forestry; or
  - (iii) use for amenity.
- (2) In this Act—
- (a) a condition such as is mentioned in paragraph (b) of sub-paragraph (1) is referred to as “a restoration condition”; and
  - (b) a condition requiring such steps to be taken as are mentioned in that sub-paragraph is referred to as “an aftercare condition”.
- (3) An aftercare condition may either—
- (a) specify the steps to be taken; or
  - (b) require that the steps be taken in accordance with a scheme (in this Act referred to as an “aftercare scheme”) approved by the mineral planning authority.
- (4) A mineral planning authority may approve an aftercare scheme in the form in which it is submitted to them or may modify it and approve it as modified.
- (5) The steps that may be specified in an aftercare condition or an aftercare scheme may consist of planting, cultivating, fertilising, watering, draining or otherwise treating the land.
- (6) Where a step is specified in a condition or a scheme, the period during which it is to be taken may also be specified, but no step may be required to be taken after the expiry of the aftercare period.
- (7) In sub-paragraph (6) “the aftercare period” means a period of five years from compliance with the restoration condition or such other maximum period after compliance with that condition as may be prescribed; and in respect of any part of a site, the aftercare period shall commence on compliance with the restoration condition in respect of that part.
- (8) The power to prescribe maximum periods conferred by sub-paragraph (7) includes power to prescribe maximum periods differing according to the use specified.

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(9) In this paragraph “forestry” means the growing of a utilisable crop of timber.

#### Textual Amendments

**F118** Words in Sch. 5 para. 2(1)(a) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(4\)\(a\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F119** Words in Sch. 5 para. 2(1)(b) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(4\)\(b\)](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

#### *Meaning of “required standard”*

- 3 (1) In a case where—
- (a) the use specified in an aftercare condition is a use for agriculture; and
  - (b) the land was in use for agriculture at the time of the grant of the planning permission or had previously been used for that purpose and had not at the time of the grant been used for any authorised purpose since its use for agriculture ceased; and
  - (c) the Minister has notified the mineral planning authority of the physical characteristics of the land when it was last used for agriculture,
- the land is brought to the required standard when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture.
- (2) In any other case where the use specified in an aftercare condition is a use for agriculture, the land is brought to the required standard when it is reasonably fit for that use.
- (3) Where the use specified in an aftercare condition is a use for forestry, the land is brought to the required standard when it is reasonably fit for that use.
- (4) Where the use specified in an aftercare condition is a use for amenity, the land is brought to the required standard when it is suitable for sustaining trees, shrubs or other plants.
- (5) In this paragraph—
- “authorised” means authorised by planning permission;
  - “forestry” has the same meaning as in paragraph 2; and
  - “the Minister” means—
- (a) in relation to England, the Minister of Agriculture, Fisheries and Food; and
  - (b) in relation to Wales, the Secretary of State.

#### *Consultations*

- 4 (1) Before imposing an aftercare condition, the mineral planning authority shall consult—
- (a) the Minister, where they propose that the use specified in the condition shall be a use for agriculture; and
  - (b) the [<sup>F120</sup>appropriate body], where they propose that the use so specified shall be a use for forestry,
- as to whether it is appropriate to specify that use.

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- (2) Where after consultations required by sub-paragraph (1) the mineral planning authority are satisfied that the use that they ought to specify is a use for agriculture or for forestry, they shall consult—
- (a) where it is for agriculture, the Minister; and
  - (b) where it is for forestry, the [F120 appropriate body],
- with regard to whether the steps to be taken should be specified in the aftercare condition or in an aftercare scheme.
- (3) The mineral planning authority shall also consult the Minister or, as the case may be, the Forestry Commission—
- (a) as to the steps to be specified in an aftercare condition which specifies a use for agriculture or for forestry; and
  - (b) before approving an aftercare scheme submitted in accordance with an aftercare condition which specifies such a use.
- (4) The mineral planning authority shall also, from time to time as they consider expedient, consult the Minister or the [F121 appropriate body], as the case may be, as to whether the steps specified in an aftercare condition or an aftercare scheme are being taken.
- [F122(4A) Without prejudice to the application of this paragraph in relation to consultation with the [F120 appropriate body], where the Minister is consulted pursuant to any provision of this paragraph—
- (a) he is not required to inspect any land or to express a view on any matter or question; and
  - (b) he is not precluded from responding in general terms or otherwise in terms which are not specific to the land in question.]
- (5) In this paragraph “forestry” and “the Minister” have the same meanings as in paragraph 3.
- [F123(6) In this paragraph “appropriate body” means—
- (a) in relation to England, the Forestry Commission; and
  - (b) in relation to Wales, the Natural Resources Body for Wales.]

#### Textual Amendments

**F120** Words in Sch. 5 para. 4 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 204\(2\)](#) (with Sch. 7)

**F121** Words in Sch. 5 para. 4(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 204\(3\)](#) (with Sch. 7)

**F122** Sch. 5 para. 4(4A) inserted (1.2.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 43](#) (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 2](#)

**F123** Sch. 5 para. 4(6) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 204\(4\)](#) (with Sch. 7)

#### Certificate of compliance

- 5 If, on the application of any person with an interest in land in respect of which an aftercare condition has been imposed, the mineral planning authority are satisfied that the condition has been complied with they shall issue a certificate to that effect.

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### *Recovery of expenses of compliance*

- 6 A person who has complied with an aftercare condition but who has not himself [<sup>F124</sup>won and worked minerals or deposited refuse or waste materials] shall be entitled, subject to any condition to the contrary contained in a contract which is enforceable against him by the person who last carried out such operations, to recover from that person any expenses reasonably incurred in complying with the aftercare condition.

#### **Textual Amendments**

**F124** Words in Sch. 5 para. 6 substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(5\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

## PART II

### CONDITIONS IMPOSED ON REVOCATION OR MODIFICATION OF PERMISSION

- 7 An order under section 97 may in relation to planning permission for development consisting of the winning and working of minerals [<sup>F125</sup>or involving the depositing of refuse or waste materials], include such aftercare condition as the mineral planning authority think fit if—
- (a) it also includes a restoration condition; or
  - (b) a restoration condition has previously been imposed in relation to the land by virtue of any provision of this Act.

#### **Textual Amendments**

**F125** Words in Sch. 5 para. 7 inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(6\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

- 8 Paragraphs 2(3) to (9) and 3 to 6 shall apply in relation to an aftercare condition so imposed as they apply in relation to such a condition imposed under paragraph 2.

### <sup>F126</sup> *Interpretation*

#### **Textual Amendments**

**F126** Sch. 5 para. 9 and cross heading inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(7\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

- <sup>F127</sup> 9 In this Schedule any reference to a mineral planning authority shall be construed, in relation to the exercise of functions with respect to the depositing of refuse or waste materials (other than mineral waste), as a reference to the authority entitled to discharge such functions.]

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### Textual Amendments

**F127** Sch. 5 para. 9 and cross heading inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 21, Sch. 1 para. 14\(7\)](#) (with [s. 84\(5\)](#)); S.I. 1991/2067, art.3 (subject to art. 4)

## SCHEDULE 6

Sections 79,175,195,208.

### DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

### Modifications etc. (not altering text)

**C8** Sch. 6 excluded (27.5.1997) by [1997 c. 8, ss. 70\(4\), 278\(2\), Sch. 7 para. 7](#) (with [s. 64](#))

**C9** Sch. 6 applied (E.) (6.4.2012) by [The Town and Country Planning \(Tree Preservation\)\(England\) Regulations 2012 \(S.I. 2012/605\), regs. 1\(1\), 19\(5\)](#)

### *Determination of appeals by appointed person*

- 1 (1) The Secretary of State may by regulations prescribe classes of appeals under sections 78 106B, [<sup>F128</sup>106BC,] 174, 195 and 208, [<sup>F129</sup>of this Act, paragraph 5 of Schedule 2 to the Planning and Compensation Act 1991][<sup>F130</sup>and paragraphs 6(11) and (12) and 11(1) of Schedule 13 and paragraph 9(1) of Schedule 14 to the Environment Act 1925] which are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.
- (2) Those classes of appeals shall be so determined except in such classes of case—
- (a) as may for the time being be prescribed, or
  - (b) as may be specified in directions given by the Secretary of State.
- [<sup>F131</sup>(2A) If no classes of appeals under section 106BC are prescribed by regulations under sub-paragraph (1), all appeals under that section are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.]
- (3) Regulations made for the purpose of this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.
- (4) This paragraph shall not affect any provision in this Act or [<sup>F132</sup>any other Act or any instrument made under this Act or any other Act] that an appeal shall lie to, or a notice of appeal shall be served on, the Secretary of State.
- (5) A person appointed under this paragraph is referred to in this Schedule as “an appointed person”.

### Textual Amendments

**F128** Word in Sch. 6 para. 1(1) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\), s. 35\(2\), Sch. 2 para. 9\(2\)\(a\)](#)

**F129** Words in Sch. 6 para. 1(1) inserted (6.4.2009 for E., 28.11.2014 for W.) by [Planning Act 2008 \(c. 29\), ss. 198\(2\)\(a\), 241](#) (with [s. 226](#)); S.I. 2009/400, [art. 5](#); S.I. 2014/2780, [art. 2](#)

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- F130** Words in Sch. 6 para. 1(1) inserted (1.2.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 44** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
- F131** Sch. 6 para. 1(2A) inserted (25.4.2013) by **Growth and Infrastructure Act 2013 (c. 27)**, s. 35(2), **Sch. 2 para. 9(2)(b)**
- F132** Words in Sch. 6 para. 1(4) substituted (6.4.2009 for E., 28.11.2014 for W.) by **Planning Act 2008 (c. 29)**, **ss. 198(2)(b)**, 241 (with s. 226); S.I. 2009/400, **art. 5**; S.I. 2014/2780, **art. 2**

*Powers and duties of appointed person*

- 2 (1) An appointed person shall have the same powers and duties—
- (a) in relation to an appeal under section 78, as the Secretary of State has under [F133 subsections (1), (4) and (6A)] of section 79;
  - [F134](aa) in relation to an appeal under section 106B [F135 or 106BC], as he has under that section]
  - (b) in relation to an appeal under section 174, as he has under sections 176(1), (2) [F136 to (2A)] and (5) and 177(1) to (4);
  - (c) in relation to an appeal under section 195, as he has under subsections (2) and (3) of that section [F137 ...];
  - (d) in relation to an appeal under section 208, as he has under subsections (7) [F138 to (8A)] of that section.
  - [F139](e) in relation to an appeal under paragraph 5 of Schedule 2 to the Planning and Compensation Act 1991, as the Secretary of State has under paragraph 6(1) and (3) of that Schedule.]
- (2) Sections 79(2) [F140 106B(4)], 175(3), 196(1) and 208(5) [F141 of this Act and paragraph 6(2) of Schedule 2 to the Planning and Compensation Act 1991] shall not apply to an appeal which falls to be determined by an appointed person, but before it is determined the Secretary of State shall ask the appellant and the local planning authority whether they wish to appear before and be heard by the appointed person.
- (3) If both the parties express a wish not to appear and be heard the appeal may be determined without their being heard.
- (4) If either of the parties expresses a wish to appear and be heard, the appointed person shall give them both an opportunity of doing so.
- [F142](5) Sub-paragraph (2) does not apply—
- (a) in the case of an appeal to which section 319A applies; or
  - (b) in the case of an appeal under section 78 if the appeal is referred to a Planning Inquiry Commission under section 101.]

[F143](5A) Sub-paragraph (2) does not apply in the case of an appeal to which section 319B applies.]

(6) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.

(7) Except as provided by Part XII, the validity of that decision shall not be questioned in any proceedings whatsoever.

(8) It shall not be a ground of application to the High Court under section 288, or of appeal to the High Court under section 289 [F144 ...], that an appeal ought to have been determined by the Secretary of State and not by an appointed person, unless the

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appellant or the local planning authority challenge the appointed person's power to determine the appeal before his decision on the appeal is given.

(9) Where in any enactment (including this Act) there is a reference to the Secretary of State in a context relating or capable of relating to an appeal to which this Schedule applies or to anything done or authorised or required to be done by, to or before the Secretary of State on or in connection with any such appeal, then so far as the context permits it shall be construed, in relation to an appeal determined or falling to be determined by an appointed person, as a reference to him.

[<sup>F145</sup>(10) Sub-paragraph (9) does not apply to references to the Secretary of State in section 319A (powers and duties of the Secretary of State in relation to the determination of procedure for certain proceedings).]

[<sup>F146</sup>(10A) Sub-paragraph (9) does not apply to references to the Welsh Ministers in section 319B (determination of procedure for certain proceedings: Wales).]

[<sup>F147</sup>(11) The Secretary of State may, if he thinks fit, direct that anything in connection with an appeal in England to which this Schedule applies which would otherwise fall to be done by an appointed person shall instead be done by the Secretary of State.]

#### Textual Amendments

- F133** Words in Sch. 6 para. 2(1)(a) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(a\)](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)
- F134** Sch. 6 para. 2(1)(aa) inserted (9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(b\)](#); S.I. 1992/2831, [art. 2](#)
- F135** Words in Sch. 6 para. 2(1)(aa) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 2 para. 9\(3\)](#)
- F136** Words in Sch. 6 para. 2(1)(b) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(c\)](#) (with s. 84(5)); S.I. 1991/2905, [art. 3](#), [Sch. 1](#) (subject to art. 5)
- F137** Words in Sch. 6 para. 2(1)(c) repealed (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), [Sch. 7 para. 54\(3\)\(d\)](#), [Sch. 19 Pt. I](#); S.I. 1992/1630, [art. 2](#), [Schs. 1, 2](#) (with art. 3(1))
- F138** Words in Sch. 6 para. 2(1)(d) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(e\)](#) (with s. 84(5)); S.I. 1991/2905, [art. 3](#), [Sch. 1](#) (subject to art. 5)
- F139** Sch. 6 para. 2(1)(e) inserted (6.4.2009 for E., 28.11.2014 for W.) by [Planning Act 2008 \(c. 29\)](#), [ss. 198\(3\)\(a\)](#), 241 (with s. 226); S.I. 2009/400, [art. 5](#); S.I. 2014/2780, [art. 2](#)
- F140** Words in Sch. 6 para. 2(2) inserted (9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(f\)](#); S.I. 1992/2831, [art. 2](#)
- F141** Words in Sch. 6 para. 2(2) inserted (6.4.2009 for E., 28.11.2014 for W.) by [Planning Act 2008 \(c. 29\)](#), [ss. 198\(3\)\(b\)](#), 241 (with s. 226); S.I. 2009/400, [art. 5](#); S.I. 2014/2780, [art. 2](#)
- F142** Sch. 6 para. 2(5) substituted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), [ss. 196](#), 241, [Sch. 10 para. 14\(2\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F143** Sch. 6 para. 2(5A) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), [art. 1\(2\)](#), [Sch. 1 para. 13\(2\)\(a\)](#)
- F144** Words in Sch. 6 para. 2(8) repealed (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), [Sch. 7 para. 54\(3\)\(g\)](#), [Sch. 19 Pt. I](#); S.I. 1992/1630, [art. 2](#), [Schs. 1, 2](#) (with art. 3(1))
- F145** Sch. 6 para. 2(10) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), [ss. 196](#), 241, [Sch. 10 para. 14\(3\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F146** Sch. 6 para. 2(10A) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), [art. 1\(2\)](#), [Sch. 1 para. 13\(2\)\(b\)](#)
- F147** Sch. 6 para. 2(11) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 2\(7\)](#), 35(1); S.I. 2013/1488, [art. 3\(a\)](#)

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*Determination of appeals by Secretary of State*

- 3 (1) The Secretary of State may, if he thinks fit, direct that an appeal which would otherwise fall to be determined by an appointed person shall instead be determined by the Secretary of State.
- (2) Such a direction shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the appellant, the local planning authority and any person who has made representations relating to the subject matter of the appeal which the authority are required to take into account under [<sup>F148</sup>any provision of a development order made by virtue of] section 71(2)(a).
- (3) Where in consequence of such a direction an appeal falls to be determined by the Secretary of State, the provisions of this Act which are relevant to the appeal shall, subject to the following provisions of this paragraph, apply to the appeal as if this Schedule had never applied to it.
- (4) The Secretary of State shall give the appellant, the local planning authority and any person who has made any such representations as mentioned in sub-paragraph (2) an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose if—
- (a) the reasons for the direction raise matters with respect to which any of those persons have not made representations; or
  - (b) in the case of the appellant or the local planning authority, either of them was not asked in pursuance of paragraph 2(2) whether they wished to appear before and be heard by the appointed person, or expressed no wish in answer to that question, or expressed a wish to appear and be heard, but was not given an opportunity of doing so.
- [<sup>F149</sup>(5) Sub-paragraph (4) does not apply—
- (a) in the case of an appeal to which section 319A applies; or
  - (b) in the case of an appeal under section 78 if the appeal is referred to a Planning Inquiry Commission under section 101.]

[<sup>F150</sup>(5ZA) Sub-paragraph (4) does not apply in the case of an appeal to which section 319B applies.]

[<sup>F151</sup>(5A) In the case of an appeal to which section 319A applies, the Secretary of State must give the appellant, the local planning authority and any person who has made any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.]

[<sup>F152</sup>(5B) In the case of an appeal to which section 319B applies, the Welsh Ministers must give the appellant, the local planning authority and any person who has made any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.]

(6) Except as provided by sub-paragraph (4) [<sup>F153</sup>or (5A)] [<sup>F154</sup>or (5B)], the Secretary of State need not give any person an opportunity of appearing before and being heard by a person appointed for the purpose, or of making fresh representations or making or withdrawing any representations already made.



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- (7) In determining the appeal the Secretary of State may take into account any report made to him by any person previously appointed to determine it.

#### Textual Amendments

- F148** Words in Sch. 6 para. 3(2) inserted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(4\)](#); S.I. 1992/1491, art. 2, [Sch. 1](#)
- F149** Sch. 6 para. 3(5)(5A) substituted (6.4.2009 for certain purposes and otherwise prosp.) for Sch. 6 para. 3(5) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 14\(4\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F150** Sch. 6 para. 3(5ZA) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 13\(3\)\(a\)](#)
- F151** Sch. 6 para. 3(5)(5A) substituted (6.4.2009 for certain purposes and otherwise prosp.) for Sch. 6 para. 3(5) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 14\(4\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F152** Sch. 6 para. 3(5B) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 13\(3\)\(b\)](#)
- F153** Words in Sch. 6 para. 3(6) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 14\(5\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F154** Words in Sch. 6 para. 3(6) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 13\(3\)\(c\)](#)

- 4 (1) The Secretary of State may by a further direction revoke a direction under paragraph 3 at any time before the determination of the appeal.
- (2) Such a further direction shall state the reasons for which it is given and shall be served on the person, if any, previously appointed to determine the appeal, the appellant, the local planning authority and any person who has made representations relating to the subject matter of the appeal which the authority are required to take into account under [<sup>F155</sup>any provision of a development order made by virtue of] section 71(2)(a).
- (3) Where such a further direction has been given, the provisions of this Schedule relevant to the appeal shall apply, subject to sub-paragraph (4), as if no direction under paragraph 3 had been given.
- (4) Anything done by or on behalf of the Secretary of State in connection with the appeal which might have been done by the appointed person (including any arrangements made for the holding of a hearing or local inquiry) shall, unless that person directs otherwise, be treated as having been done by him.

#### Textual Amendments

- F155** Words in Sch. 6 para. 4(2) inserted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(4\)](#); S.I. 1992/1491, art. 2, [Sch. 1](#)

#### *Appointment of another person to determine appeal*

- 5 (1) At any time before the appointed person has determined the appeal the Secretary of State may—
- (a) revoke his appointment; and
- (b) appoint another person under paragraph 1 to determine the appeal instead.
- (2) Where such a new appointment is made the consideration of the appeal or any inquiry or other hearing in connection with it shall be begun afresh.

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- (3) Nothing in sub-paragraph (2) shall require—
- (a) the question referred to in paragraph 2(2) to be asked again with reference to the new appointed person if before his appointment it was asked with reference to the previous appointed person (any answers being treated as given with reference to the new appointed person); or
  - (b) any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

*Local inquiries and hearings*

- 6 (1) Whether or not the parties to an appeal have asked for an opportunity to appear and be heard, an appointed person—
- (a) may hold a local inquiry in connection with the appeal; and
  - (b) shall do so if the Secretary of State so directs.

[<sup>F156</sup>(1A) Sub-paragraph (1) does not apply in the case of an appeal to which section 319A applies; but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.]

[<sup>F157</sup>(1B) Sub-paragraph (1) does not apply in the case of an appeal to which section 319B applies; but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.]

- (2) Where an appointed person—
- (a) holds a hearing by virtue of paragraph 2(4) [<sup>F158</sup>or this paragraph]; or
  - (b) holds an inquiry by virtue of this paragraph,
- an assessor may be appointed by the Secretary of State to sit with the appointed person at the hearing or inquiry to advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal.

- (3) Subject to sub-paragraph (4), the costs of any such hearing or inquiry shall be defrayed by the Secretary of State.

- (4) Subsections (2) to (5) of section 250 of the <sup>M10</sup>Local Government Act 1972 (local inquiries: evidence and costs) apply to an inquiry held under this paragraph [<sup>F159</sup>in England] with the following adaptations—

- (a) with the substitution in subsection (4) (recovery of costs of holding the inquiry) for the references to the Minister causing the inquiry to be held of references to the Secretary of State; and
- (b) with the substitution in subsection (5) (orders as to the costs of the parties) for the reference to the Minister causing the inquiry to be held of a reference to the appointed person or the Secretary of State.

[<sup>F160</sup>(4A) Subsections (2) and (3) of that section apply to an inquiry held under this paragraph in Wales.]

[<sup>F161</sup>(5) The appointed person or the Secretary of State has the same power to make orders under section 250(5) of that Act (orders with respect to costs of the parties) in relation to proceedings [<sup>F162</sup>in England] under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry].

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### Textual Amendments

- F156** Sch. 6 para. 6(1A) inserted (6.4.2009 for certain purposes) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 14\(6\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F157** Sch. 6 para. 6(1B) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 13\(4\)\(a\)](#)
- F158** Words in Sch. 6 para. 6(2)(a) inserted (6.4.2009 for certain purposes) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 14\(7\)](#) (with s. 226); S.I. 2009/400, [art. 3](#); and as amended by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), [Sch. 1 para. 13\(4\)\(b\)](#)
- F159** Words in Sch. 6 para. 6(4) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 16\(2\)\(a\)](#); S.I. 2016/52, art. 4(b) (with art. 17)
- F160** Sch. 6 para. 6(4A) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 16\(2\)\(b\)](#); S.I. 2016/52, art. 4(b) (with art. 17)
- F161** Sch. 6 para. 6(5) omitted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, [Sch. 4 paras. 1, 7](#) (which temp. omission falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of S.I. 1991/2698, [art. 3](#) and S.I. 2009/849, [art. 2](#) (with art. 3))
- F162** Words in Sch. 6 para. 6(5) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 16\(2\)\(c\)](#); S.I. 2016/52, art. 4(b) (with art. 17)

### Marginal Citations

- M10** 1972 c. 70.

### Supplementary provisions

- 7 If before or during the determination of an appeal under section 78 which is to be or is being determined in accordance with paragraph 1, the Secretary of State forms the opinion mentioned in section 79(6), he may direct that the determination shall not be begun or proceeded with.
- 8 (1) The <sup>M11</sup>Tribunals and Inquiries Act [<sup>F163</sup>1992] shall apply to a local inquiry or other hearing held [<sup>F164</sup>in England] in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in [<sup>F165</sup>section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.
- <sup>F166</sup>(1A) . . . . .
- (2) Where an appointed person is an officer of [<sup>F167</sup>the Ministry of Housing, Communities and Local Government] or the Welsh Office the functions of determining an appeal and doing anything in connection with it conferred on him by this Schedule shall be treated for the purposes of the <sup>M12</sup>Parliamentary Commissioner Act 1967—
- (a) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of that Department; and
- (b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

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#### Textual Amendments

- F163** Word in Sch. 6 para. 8(1) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para. 28\(a\)](#)
- F164** Words in Sch. 6 para. 8(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 16\(3\)](#); S.I. 2017/546, art. 3(e)
- F165** Words in Sch. 6 para. 8(1) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para. 28\(b\)](#)
- F166** Sch. 6 para. 8(1A) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), [Sch. para. 5\(a\)](#)
- F167** Words in Sch. 6 para. 8(2) substituted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), [Sch. para. 5\(4\)](#) (with art. 14)

#### Modifications etc. (not altering text)

- C10** Sch. 6 para. 8(2)(b) modified (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

#### Marginal Citations

- M11** [1992 c. 53](#).  
**M12** [1967 c. 13](#).

## SCHEDULE 7

Section 83.

### SIMPLIFIED PLANNING ZONES

#### *General*

- 1 (1) A simplified planning zone scheme shall consist of a map and a written statement, and such diagrams, illustrations and descriptive matter as the local planning authority think appropriate for explaining or illustrating the provisions of the scheme.
- (2) A simplified planning zone scheme shall specify—
- (a) the development or classes of development permitted by the scheme,
  - (b) the land in relation to which permission is granted, and
  - (c) any conditions, limitations or exceptions subject to which it is granted;
- and shall contain such other matters as may be prescribed.

#### *Notification of proposals to make or alter scheme*

- 2 An authority who decide under section 83(2) to make or alter a simplified planning zone scheme shall—
- (a) notify the Secretary of State of their decision as soon as practicable, and
  - (b) determine the date on which they will begin to prepare the scheme or the alterations.

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*Power of Secretary of State to direct making or alteration of scheme*

- 3 (1) If a person requests a local planning authority to make or alter a simplified planning zone scheme but the authority—
- (a) refuse to do so, or
  - (b) do not within the period of three months from the date of the request decide to do so,
- he may, subject to sub-paragraph (2), require them to refer the matter to the Secretary of State.
- (2) A person may not require the reference of the matter to the Secretary of State if—
- (a) in the case of a request to make a scheme, a simplified planning zone scheme relating to the whole or part of the land specified in the request has been adopted or approved within the 12 months preceding his request;
  - (b) in the case of a request to alter the scheme, the scheme to which the request relates was adopted or approved, or any alteration to it has been adopted or approved, within that period.
- (3) The Secretary of State shall, as soon as practicable after a matter is referred to him—
- (a) send the authority a copy of any representations made to him by the applicant which have not been made to the authority, and
  - (b) notify the authority that if they wish to make any representations in the matter they should do so, in writing, within 28 days.
- (4) After the Secretary of State has—
- (a) considered the matter and any written representations made by the applicant or the authority, and
  - (b) carried out such consultations with such persons as he thinks fit,
- he may give the authority a simplified planning zone direction.
- (5) The Secretary of State shall notify the applicant and the authority of his decision and of his reasons for it.
- 4 (1) A simplified planning zone direction is—
- (a) if the request was for the making of a scheme, a direction to make a scheme which the Secretary of State considers appropriate; and
  - (b) if the request was for the alteration of a scheme, a direction to alter it in such manner as he considers appropriate [<sup>F168</sup>and, in either case, requires the local planning authority to take all the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme.]
- (2) A direction under sub-paragraph (1)(a) or (b) may extend—
- (a) to the land specified in the request to the authority,
  - (b) to any part of the land so specified, or
  - (c) to land which includes the whole or part of the land so specified;
- and accordingly may direct that land shall be added to or excluded from an existing simplified planning zone.

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#### Textual Amendments

**F168** Words in Sch. 7 para. 4(1) inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. II para.5](#); S.I. 1991/2728, [art.2](#); S.I. 1992/2413, [art. 2](#) (with art. 3)

#### <sup>F169</sup> [ Steps to be taken before depositing proposals

#### Textual Amendments

**F169** Sch. 7 paras. 5-6 and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. I para.1](#) (with s. 84(5)); S.I. 1991/2728, [art.2](#); S.I. 1992/2413, [art. 2](#) (with art. 3)

- <sup>F170</sup> 5 (1) A local planning authority proposing to make or alter a simplified planning zone scheme shall, before determining the content of their proposals, comply with this paragraph.
- (2) They shall—
- (a) consult the Secretary of State having responsibility for highways as to the effect any proposals they may make might have on existing or future highways,
  - (b) if they are the district planning authority, consult the county council—
    - (i) as county planning authority, and
    - (ii) as to the effect which any matters the district planning authority are considering including in the proposals might have on existing or future highways, and
  - (c) consult or notify such persons as regulations may require them to consult or, as the case may be, notify.
- (3) They shall take such steps as may be prescribed or as the Secretary of State may, in a particular case, direct to publicise—
- (a) the fact that they propose to make or alter a simplified planning zone scheme, and
  - (b) the matters which they are considering including in the proposals.
- (4) They shall consider any representations that are made in accordance with regulations.]

#### Textual Amendments

**F170** Sch. 7 paras. 5-6 and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. I para.1](#) (with s. 84(5)); S.I. 1991/2728, [art.2](#); S.I. 1992/2413, [art. 2](#) (with art. 3)

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*F171 [ Procedure after deposit of proposals*

**Textual Amendments**

**F171** Sch. 7 paras. 5-6 and cross headings substituted for paras. 5-7 (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, **Sch. 5 Pt. I para.1** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

- F172** 6 Where a local planning authority have prepared a proposed simplified planning zone scheme, or proposed alterations to a simplified planning zone scheme, they shall—
- (a) make copies of the proposed scheme or alterations available for inspection at such places as may be prescribed,
  - (b) take such steps as may be prescribed for the purpose of advertising the fact that the proposed scheme or alterations are so available and the places at which, and times during which, they may be inspected,
  - (c) take such steps as may be prescribed for inviting objections to be made within such period as may be prescribed, and
  - (d) send a copy of the proposed scheme or alterations to the Secretary of State and to the Secretary of State having responsibility for highways and, if they are the district planning authority, to the county council.]

**Textual Amendments**

**F172** Sch. 7 paras. 5-6 and cross headings substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for paras. 5-7 by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, **Sch. 5 Pt. I para.1** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)

*Powers of Secretary of State to secure adequate publicity and consultations*

*F173 [ Procedure for dealing with objections*

**Textual Amendments**

**F173** Sch. 7 para. 8(1)(2) and cross heading substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for para. 8(1)-(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, **Sch. 5 Pt. I para. 2(1)** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/2413, **art. 2** (with art. 3)

- F174** 8 (1) Where objections to the proposed scheme or alterations are made, the local planning authority may—
- (a) for the purpose of considering the objections, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, appointed by the authority, or
  - (b) require the objections to be considered by a person appointed by the Secretary of State.

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- (2) A local planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State.]
- (4) Regulations may—
- (a) make provision with respect to the appointment, and qualifications for appointment, of persons [<sup>F175</sup>for the purposes of this paragraph];
  - (b) include provision enabling the Secretary of State to direct a local planning authority to appoint a particular person, or one of a specified list or class of persons;
  - (c) make provision with respect to the remuneration and allowances of the person appointed.
- (5) Subsections (2) and (3) of section 250 of the <sup>M13</sup>Local Government Act 1972 (power to summon and examine witnesses) apply to an inquiry held under this paragraph.
- (6) The <sup>M14</sup>Tribunals and Inquiries Act [<sup>F176</sup>1992] applies to a local inquiry or other hearing held [<sup>F177</sup>in England] under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in [<sup>F178</sup>section 10(1)] (statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a local authority.
- [<sup>F179</sup>(6A) The power to make regulations under section 323A applies in relation to a local inquiry or other hearing held in Wales under this paragraph as it applies in relation to an inquiry or hearing held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a local planning authority.]
- <sup>F180</sup>(7) .....

#### Textual Amendments

- F174** Sch. 7 para. 8(1)(2) and cross heading substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) for para. 8(1)-(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, **Sch. 5 Pt. I para. 2(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1992/2413, **art. 2** (with art. 3)
- F175** Words in Sch. 7 para. 8(4) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, **Sch. 5 Pt. II para. 6** (with s. 84(5)); S.I. 1991/2728, **art. 2**; S.I. 1992/2413, **art. 2** (with art. 3)
- F176** Word in Sch. 7 para. 8(6) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), **Sch. 3 para. 29(a)**
- F177** Words in Sch. 7 para. 8(6) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 17(a)**; S.I. 2017/546, art. 3(e)
- F178** Words in Sch. 7 para. 8(6) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), **Sch. 3 para. 29(b)**
- F179** Sch. 7 para. 8(6A) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 17(b)**; S.I. 2017/546, art. 3(e)
- F180** Sch. 7 para. 8(7) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 5(b)**

#### Marginal Citations

- M13** 1972 c. 70.



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**M14** 1992 c. 53.

*Adoption of proposals by local planning authority*

- <sup>9F181</sup>[( 1 ) After the expiry of the period for making objections or, if objections have been made in accordance with the regulations, after considering those objections and the views of any person holding an inquiry or hearing or considering the objections under paragraph 8, the local planning authority may by resolution adopt the proposals (subject to the following provisions of this paragraph and paragraph 10).]
- (2) The authority may adopt the proposals as originally prepared or as modified so as to take account of—
- (a) any such objections as are mentioned in sub-paragraph (1) or any other objections to the proposals, or
  - (b) any other considerations which appear to the authority to be material.
- (3) If, before the proposals have been adopted by the local planning authority, it appears to the Secretary of State that they are unsatisfactory, he may direct the authority to [<sup>F182</sup>modify] the proposals in such respects as are indicated in the direction.
- (4) An authority to whom such a direction is given shall not adopt the proposals unless—
- (a) they satisfy the Secretary of State that they have made the modifications necessary to conform with the direction, or
  - (b) the direction is withdrawn.

**Textual Amendments**

**F181** Sch. 7 para. 9(1) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. II para. 7\(1\)](#) (with s. 84(5)); S.I. 1991/2728, [art.2](#); S.I. 1992/2413, [art. 2](#) (with [art. 3](#))

**F182** Word in Sch. 7 para. 9(3) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. II para. 7\(2\)](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#); S.I. 1992/2413, [art. 2](#) (with [art. 3](#))

*Calling in of proposals for approval by Secretary of State*

- 10 (1) Before the proposals have been adopted by the local planning authority the Secretary of State may direct that they shall be submitted to him for his approval.
- (2) If the Secretary of State gives such a direction—
- (a) the authority shall not take any further steps for the adoption of the proposals, and in particular shall not hold or proceed with a local inquiry or other hearing [<sup>F183</sup>or any consideration of objections] in respect of the proposals under paragraph 8; and
  - (b) the proposals shall not have effect unless approved by the Secretary of State and shall not require adoption by the authority.

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#### Textual Amendments

**F183** Words in Sch. 7 para. 10(2) inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. II para.8](#) (with s. 84(5)); [S.I. 1991/2728, art.2](#); [S.I. 1992/2413, art. 2](#) (with art. 3)

#### *Approval of proposals by Secretary of State*

- 11 (1) The Secretary of State may after considering proposals submitted to him under paragraph 10 either approve them, in whole or in part and with or without modifications, or reject them.
- (2) In considering the proposals the Secretary of State may take into account any matters he thinks are relevant, whether or not they were taken into account in the proposals as submitted to him.
- <sup>F184</sup>[(3) Where on taking the proposals into consideration the Secretary of State does not determine then to reject them he shall, before determining whether or not to approve them, consider any objections made in accordance with regulations (and not withdrawn) except objections which—
- (a) have already been considered by the local planning authority or by a person appointed by the Secretary of State, or
  - (b) have already been considered at a local inquiry or other hearing.
- (4) The Secretary of State may—
- (a) for the purpose of considering any objections and the views of the local planning authority and of such other persons as he thinks fit, cause a local inquiry or other hearing to be held by a person appointed by him, or
  - (b) require such objections and views to be considered by a person appointed by him.
- (5) In considering the proposals the Secretary of State may consult with, or consider the views of, any local planning authority or any other person; but he need not do so, or give an opportunity for the making or consideration of representations or objections, except so far as he is required to do so by sub-paragraph (3).]

#### Textual Amendments

**F184** Sch. 7 para. 11(3)-(5) substituted for para. 11(3)(4) (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 para. 2\(2\)](#)(with s. 84(5)); [S.I. 1991/2728, art.2](#); [S.I. 1992/2413, art. 2](#) (with art. 3)

#### *Default powers*

- <sup>F185</sup>12(1) Where —
- (a) a local planning authority are directed under paragraph 3 to make a simplified planning zone scheme which the Secretary of State considers appropriate or to alter such a scheme in such manner as he considers appropriate, and
  - (b) the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the authority are not taking within a reasonable period the steps

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required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme,

he may himself make a scheme or, as the case may be, the alterations.]

- (2) Where under this paragraph anything which ought to have been done by a local planning authority is done by the Secretary of State, the previous provisions of this Schedule apply, so far as practicable, with any necessary modifications, in relation to the doing of that thing by the Secretary of State and the thing so done.
- (3) Where the Secretary of State incurs expenses under this paragraph in connection with the doing of anything which should have been done by a local planning authority, so much of those expenses as may be certified by the Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by the authority to the Secretary of State.

#### Textual Amendments

**F185** Sch. 7 para. 12(1) substituted (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. II para. 9](#) (with s. 84(5)); S.I. 1991/2728, [art.2](#); S.I. 1992/2413, [art. 2](#) (with [art. 3](#))

#### Regulations and directions

- 13 (1) Without prejudice to the previous provisions of this Schedule, the Secretary of State may make regulations with respect—
  - (a) to the form and content of simplified planning zone schemes, and
  - (b) to the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making or alteration.
- (2) Any such regulations may in particular—
  - (a) provide for the notice to be given of, or the publicity to be given to—
    - (i) matters included or proposed to be included in a simplified planning zone scheme, and
    - (ii) the adoption or approval of such a scheme, or of any alteration of it, or any other prescribed procedural step,and for publicity to be given to the procedure to be followed in these respects;
  - (b) make provision with respect to the making and consideration of representations as to matters to be included in, or objections to, any such scheme or proposals for its alteration;
  - <sup>F186</sup>(bb) make provision with respect to the circumstances in which representations with respect to the matters to be included in such a scheme or proposals for its alteration are to be treated, for the purposes of this Schedule, as being objections made in accordance with regulations;]
  - (c) without prejudice to paragraph (a), provide for notice to be given to particular persons of the adoption or approval of a simplified planning zone scheme, or an alteration to such a scheme, if they have objected to the proposals and have notified the local planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge;
  - (d) require or authorise a local planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;

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- (e) require a local planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons making a request with copies of any document which has been made public<sup>F187</sup> . . . , subject (if the regulations so provide) to the payment of a reasonable charge;
  - (f) provide for the publication and inspection of a simplified planning zone scheme which has been adopted or approved, or any document adopted or approved altering such a scheme, and for copies of any such scheme or document to be made available on sale.
- (3) Regulations under this paragraph may extend throughout England and Wales or to specified areas only and may make different provision for different cases.
- (4) Subject to the previous provisions of this Schedule and to any regulations under this paragraph, the Secretary of State may give directions to any local planning authority or to local planning authorities generally—
- (a) for formulating the procedure for the carrying out of their functions under this Schedule;
  - (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Schedule.

#### **Textual Amendments**

**F186** Sch. 7 para. 13(2)(bb) inserted (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 28, [Sch. 5 Pt. II para. 10\(a\)](#)(with s. 84(5)); [S.I. 1991/2728, art.2](#); [S.I. 1992/2413, art. 2](#) (with art. 3)

**F187** Words in Sch. 7 para. 13(2)(e) repealed (25.11.1991 for certain purposes and otherwise 9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 28, 84(6), [Sch. 5 Pt. II para. 10\(b\)](#), [Sch. 19 Pt.I](#) (with s. 84(5)); [S.I. 1991/2728, art. 2](#); [S.I. 1992/2413, art. 2](#) (with art. 3); [S.I. 1992/2831, art. 2](#), [Sch.](#)

## SCHEDULE 8

Section 101(4).

### PLANNING INQUIRY COMMISSIONS

#### PART I

#### CONSTITUTION AND PROCEDURE ON REFERENCES

##### *Constitution of Commissions*

- 1 (1) A Planning Inquiry Commission shall consist of a chairman and not less than two nor more than four other members appointed by the Secretary of State.
- (2) The Secretary of State may—
- (a) pay to the members of any such commission such remuneration and allowances as he may with the consent of the Treasury determine, and
  - (b) provide for each such commission such officers or servants, and such accommodation, as appears to him expedient to provide for the purpose of assisting the commission in the discharge of their functions.

*Status: Point in time view as at 25/05/2020.*

*Changes to legislation: Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The validity of any proceedings of any such commission shall not be affected by any vacancy among the members of the commission or by any defect in the appointment of any member.
- (4) In relation to any matter affecting both England and Wales—
  - (a) the functions of the Secretary of State under sub-paragraph (1) shall be exercised by the Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales acting jointly, and
  - (b) his functions under sub-paragraph (2) shall be exercised by one of those Secretaries of State authorised by the other to act on behalf of both of them for the purposes of that sub-paragraph.

#### *Reference to a Planning Inquiry Commission*

- 2 (1) Two or more of the matters mentioned in section 101(2) may be referred to the same commission if it appears to the responsible Minister or Ministers that they relate to proposals to carry out development for similar purposes on different sites.
- (2) Where a matter referred to a commission under section 101 relates to a proposal to carry out development for any purpose at a particular site, the responsible Minister or Ministers may also refer to the commission the question whether development for that purpose should instead be carried out at an alternative site.
- (3) On referring a matter to a commission, the responsible Minister or Ministers—
  - (a) shall state in the reference the reasons for the reference, and
  - (b) may draw the attention of the commission to any points which seem to him or them to be relevant to their inquiry.

#### *Functions of Planning Inquiry Commission on reference*

- 3 (1) A commission inquiring into a matter referred to them under section 101 shall—
  - (a) identify and investigate the considerations relevant to, or the technical or scientific aspects of, that matter which in their opinion are relevant to the question whether the proposed development should be permitted to be carried out, and
  - (b) assess the importance to be attached to those considerations or aspects.
- (2) If—
  - (a) in the case of a matter mentioned in section 101(2)(a), (b) or (c), the applicant, or
  - (b) in any case, the local planning authority,so wish, the commission shall give to each of them, and, in the case of an application or appeal mentioned in section 101(2)(a) or (b), also to any person who has made representations relating to the subject matter of the application or appeal which the authority are required to take into account under <sup>F188</sup>any provision of a development order made by virtue of section 71(2)(a)], an opportunity of appearing before and being heard by one or more members of the commission.
- (3) The commission shall then report to the responsible Minister or Ministers on the matter referred to them.

*Status: Point in time view as at 25/05/2020.*

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- (4) A commission may, with the approval of the Secretary of State and at his expense, arrange for the carrying out (whether by the commission themselves or by others) of research of any kind appearing to them to be relevant to a matter referred to them for inquiry and report.
- (5) In sub-paragraph (4) “the Secretary of State,” in relation to any matter affecting both England and Wales, means—
  - (a) the Secretary of State for the time being having general responsibility in planning matters in relation to England, or
  - (b) the Secretary of State for the time being having responsibility in relation to Wales,
 acting, by arrangements between the two of them, on behalf of both.

#### Textual Amendments

**F188** Words in Sch. 8 para. 3(2) substituted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para.55](#) (with s. 84(5)); S.I. 1992/1491, art. 2, [Sch. 1](#)

#### *Procedure on reference to a Planning Inquiry Commission*

- 4 (1) A reference to a Planning Inquiry Commission of a proposal that development should be carried out by or on behalf of a government department may be made at any time.
- (2) A reference of any other matter mentioned in section 101 may be made at any time before, but not after, the determination of the relevant application referred under section 77 or the relevant appeal under section 78 or, as the case may be, the giving of the relevant direction under section 90(1).
- (3) The fact that an inquiry or other hearing has been held into a proposal by a person appointed by any Minister for the purpose shall not prevent a reference of the proposal to a Planning Inquiry Commission.
- (4) Notice of the making of a reference to any such commission shall be published in the prescribed manner.
- (5) A copy of the notice must be served on the local planning authority for the area in which it is proposed that the relevant development will be carried out, and—
  - (a) in the case of an application for planning permission referred under section 77 or an appeal under section 78, on the applicant and any person who has made representations relating to the subject matter of the application or appeal which the authority are required to take into account under <sup>F189</sup>any provision of a development order made by virtue of section 71(2)(a)];
  - (b) in the case of a proposal that a direction should be given under section 90(1) with respect to any development, on the local authority <sup>F190</sup>or National Park authority] or statutory undertakers applying for authorisation to carry out that development.
- (6) Subject to the provisions of this paragraph and paragraph 5 and to any directions given to them by the responsible Minister or Ministers, a Planning Inquiry Commission shall have power to regulate their own procedure.

*Status: Point in time view as at 25/05/2020.*

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### Textual Amendments

- F189** Words in Sch. 8 para. 4(5)(a) substituted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 55](#) (with s. 84(5)); S.I. 1992/1491, art. 2, [Sch. 1](#)
- F190** Words in Sch. 8 para. 4(5)(b) inserted (23.11.1995) by 1995 c. 25, s. 78, [Sch. 10 para. 32\(15\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1995/2950, [art. 2\(1\)](#)

### *Local inquiries held by Planning Inquiry Commission*

- 5 (1) A Planning Inquiry Commission shall, for the purpose of complying with paragraph 3(2), hold a local inquiry; and they may hold such an inquiry, if they think it necessary for the proper discharge of their functions, notwithstanding that neither the applicant nor the local planning authority want an opportunity to appear and be heard.
- (2) Where a Planning Inquiry Commission are to hold a local inquiry under sub-paragraph (1) in connection with a matter referred to them, and it appears to the responsible Minister or Ministers, in the case of some other matter falling to be determined by a Minister of the Crown and required or authorised by an enactment other than this paragraph to be the subject of a local inquiry, that the two matters are so far cognate that they should be considered together, he or, as the case may be, they may direct that the two inquiries be held concurrently or combined as one inquiry.
- (3) An inquiry held [<sup>F191</sup>in England] by a commission under this paragraph shall be treated for the purposes of the Tribunals and Inquiries Act [<sup>F192</sup>1992] as one held by a Minister in pursuance of a duty imposed by a statutory provision.
- [<sup>F193</sup>(3ZA) The power to make regulations under section 323A applies in relation to an inquiry held in Wales by a commission under this paragraph as it applies in relation to an inquiry held by the Welsh Ministers under this Act and as if references in section 323A(3) and (4) to the Welsh Ministers included references to a commission.]
- <sup>F194</sup>(3A) .....
- (4) Subsections (2) to (5) of section 250 of the <sup>M15</sup>Local Government Act 1972 (local inquiries: evidence and costs) shall apply in relation to an inquiry held under sub-paragraph (1) [<sup>F195</sup>in England, and subsections (2) and (3) of that section shall apply in relation to an inquiry held under that sub-paragraph in Wales,] as they apply in relation to an inquiry caused to be held by a Minister under subsection (1) of that section, with the substitution for references to the Minister causing the inquiry to be held (other than the first reference in subsection (4)) of references to the responsible Minister or Ministers.

### Textual Amendments

- F191** Words in [Sch. 8 para. 5\(3\)](#) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 18\(a\)](#); S.I. 2017/546, art. 3(e)
- F192** Word in Sch. 8 para. 5(3) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para. 30](#)
- F193** [Sch. 8 para. 5\(3ZA\)](#) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 18\(b\)](#); S.I. 2017/546, art. 3(e)

*Status: Point in time view as at 25/05/2020.*

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**F194** Sch. 8 para. 5(3A) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), [Sch. para. 5\(c\)](#)

**F195** Words in Sch. 8 para. 5(4) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 18\(c\)](#); S.I. 2016/52, art. 4(c) (with art. 17)

#### Marginal Citations

**M15** 1972 c. 70.

## PART II

### MEANING OF “THE RESPONSIBLE MINISTER OR MINISTERS”

- 6 In relation to the matters specified in the first column of the Table below (which are matters mentioned in subsection (2)(a), (b), (c) or (d) of section 101 as matters which may be referred to a Planning Inquiry Commission under that section) “the responsible Minister or Ministers” for the purposes of that section and this Schedule—
- (a) in the case of a matter affecting England only, are those specified opposite in the second column of the Table;
  - (b) in the case of a matter affecting Wales only, are those specified opposite in the third column of the Table; and
  - (c) in the case of a matter affecting both England and Wales, are those specified opposite in the fourth column of the Table.
- 7 Where an entry in the second, third or fourth columns of the Table specifies two or more Ministers, that entry shall be construed as referring to those Ministers acting jointly.

TABLE

Referred matter	Affecting England only	Affecting Wales only	Affecting both England and Wales
1. Application for planning permission or appeal under section 78 relating to land to which section 266(1) applies.	The Secretary of State for the time being having general responsibility in planning matters in relation to England and the appropriate Minister (if different).	The Secretary of State for the time being having general responsibility in planning matters in relation to Wales and the appropriate Minister (if different).	The Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales and the appropriate Minister (if different).
2. Application for planning permission or appeal under	The Secretary of State for the time being having general	The Secretary of State for the time being having general	The Secretaries of State for the time being having general



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section 78 relating to land to which section 266(1) does not apply.	responsibility in planning matters in relation to England.	responsibility in planning matters in relation to Wales.	responsibility in planning matters in relation to England and in relation to Wales.
3. Proposal that a government department should give a direction under section 90(1) or that development should be carried out by or on behalf of a government department.	The Secretary of State for the time being having general responsibility in relation to England and the Minister (if different) in charge of the government department concerned.	The Secretary of State for the time being having general responsibility in relation to Wales and the Minister (if different) in charge of the government department concerned.	The Secretaries of State for the time being having general responsibility in relation to England and in relation to Wales and the Minister (if different) in charge of the government department concerned.

## SCHEDULE 9

Section 102(8).

### REQUIREMENTS RELATING TO DISCONTINUANCE OF MINERAL WORKING

#### Modifications etc. (not altering text)

- C11** Sch. 9 modified (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **ss. 22(6)(b)(7)** (with s. 84(5)); [S.I. 1991/2067](#), **art.3** (subject to art. 4)
- C12** Sch. 9 modified (W.) (8.1.2010) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Undetermined Reviews of Old Mineral Permissions\) \(Wales\) Regulations 2009 \(S.I. 2009/3342\)](#), **reg. 51**

#### *Orders requiring discontinuance of mineral working*

- 1 (1) If, having regard to the development plan and to any other material considerations, it appears to a mineral planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity)—
- <sup>F196</sup>[( a ) that any use of land for—
- (i) development consisting of the winning and working of minerals; or
- (ii) the depositing of refuse or waste materials,
- should be discontinued or that any conditions should be imposed on the continuance of the winning and working or the depositing;]
- (b) that any buildings or works on land so used should be altered or removed; or
- <sup>F197</sup>[( c ) that any plant or machinery used for the winning and working or the depositing should be altered or removed.]
- the mineral planning authority may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance of it or, as the case may be, require such steps as may be so specified to be taken for the alteration or removal of the buildings or works or plant or machinery.

*Status: Point in time view as at 25/05/2020.*

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- <sup>F198</sup>[( 2 ) An order under this paragraph may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be—
- (a) required by paragraph 1 of Schedule 5; or
  - (b) specified in the order.
- (3) Subsections (3) to (5) and (7) of section 102 and section 103 apply to orders under this paragraph as they apply to orders under section 102, but as if—
- (a) references to the local planning authority were references to the mineral planning authority; and
  - (b) the reference in section 103(2)(a) to subsection (2) of section 102 were a reference to sub-paragraph (2).]

#### Textual Amendments

- F196** Sch. 9 para. 1(1)(a) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(1\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F197** Sch. 9 para. 1(1)(c) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(2\)](#)(with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)
- F198** Sch. 9 para. 1(2)(3) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(3\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

<sup>2F199</sup>[( 1 ) An order under paragraph 1 may impose a restoration condition]

- (2) If such an order—
- (a) includes a restoration condition, or
  - (b) a restoration condition has previously been imposed in relation to the land by virtue of any provision of this Act,
- the order may also include any such aftercare condition as the mineral planning authority think fit.
- (3) Paragraphs 2(3) to (9) and 3 to 6 of Schedule 5 shall apply in relation to an aftercare condition imposed under this paragraph as they apply in relation to such a condition imposed under paragraph 2 of that Schedule, but with the substitution for sub-paragraphs (1) and (2) of paragraph 3 of that Schedule of sub-paragraphs (4) and (5) below.
- (4) In a case where—
- (a) the use specified in the aftercare condition is a use for agriculture;
  - (b) the land was in use for agriculture immediately [<sup>F200</sup>before the development began], or had previously been used for agriculture and had not been used for any authorised purpose since its use for agriculture ceased; and
  - (c) the Minister has notified the mineral planning authority of the physical characteristics of the land when it was last used for agriculture,
- the land is brought to the required standard when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture.
- (5) In any other case where the use specified in the aftercare condition is a use for agriculture, the land is brought to the required standard when it is reasonably fit for that use.

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### Textual Amendments

**F199** Sch. 9 para. 2(1) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(4\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#)

**F200** Words in Sch. 9 para. 2(4)(b) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(5\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#)

### *Prohibition of resumption of mineral working*

- <sup>3F201</sup>[( 1 ) Where it appears to the mineral planning authority—
- (a) that development of land—
    - (i) consisting of the winning and working of minerals; or
    - (ii) involving the depositing of mineral waste,has occurred; but
  - (b) the winning and working or depositing has permanently ceased,
- the mineral planning authority may by order—
- (i) prohibit the resumption of the winning and working or the depositing; and
  - (ii) impose, in relation to the site, any such requirement as is specified in sub-paragraph (3).
- (2) The mineral planning authority may assume that the winning and working or the depositing has permanently ceased only when—
- (a) no winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least two years; and
  - (b) it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that resumption of the winning and working or the depositing to any substantial extent at the site is unlikely.
- (3) The requirements mentioned in sub-paragraph (1) are—
- (a) a requirement to alter or remove plant or machinery which was used for the purpose of the winning and working or the depositing or for any purpose ancillary to that purpose;
  - (b) a requirement to take such steps as may be specified in the order, within such period as may be so specified, for the purpose of removing or alleviating any injury to amenity which has been caused by the winning and working or depositing, other than injury due to subsidence caused by underground mining operations;
  - (c) a requirement that any condition subject to which planning permission for the development was granted or which has been imposed by virtue of any provision of this Act shall be complied with; and
  - (d) a restoration condition.]
- (4) If—
- (a) an order under this paragraph includes a restoration condition; or
  - (b) a restoration condition has previously been imposed in relation to the site by virtue of any provision of this Act,
- the order under this paragraph may include any such aftercare condition as the mineral planning authority think fit.

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- (5) Paragraphs 2(3) to (9) and 3 to 6 of Schedule 5 apply in relation to an aftercare condition imposed under this paragraph as they apply to such a condition imposed under paragraph 2 of this Schedule.

#### Textual Amendments

**F201** Sch. 9 para. 3(1)-(3) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 21, 84\(2\)-\(4\)\(5\)](#), Sch. 1 para. 15(6)(with s. 84(5)); [S.I. 1991/2067](#), [art. 3](#) (subject to [art. 4](#))

#### Modifications etc. (not altering text)

**C13** Sch. 9 para. 3 modified (22.7.2008) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Mineral Permissions and Amendment\) \(England\) Regulations 2008 \(S.I. 2008/1556\)](#), [reg. 4\(3\)-\(5\)](#)

**C14** Sch. 9 para. 3 modified (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), [regs. 1\(1\)](#), [52\(3\)](#)

**C15** Sch. 9 para. 3 modified (W.) (1.3.2016) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2016 \(S.I. 2016/58\)](#), [reg. 1\(2\)](#), [Sch. 7 para. 10\(3\)-\(5\)](#) (with [reg. 52\(2\)\(3\)](#), 59)

**C16** Sch. 9 para. 3 modified (E.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), [regs. 1\(1\)](#), [57\(3\)](#) (with [regs. 47, 70](#))

**C17** Sch. 9 para. 3 modified (W.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), [reg. 1\(2\)](#), [Sch. 8 para. 10\(3\)-\(5\)](#) (with [regs. 1\(4\)](#), [55\(2\)\(3\)](#), 63, 65)

**C18** Sch. 9 para. 3(1) modified (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), [regs. 1\(1\)](#), [52\(4\)](#)

**C19** Sch. 9 para. 3(1)(b) modified (E.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), [regs. 1\(1\)](#), [57\(4\)](#) (with [regs. 47, 70](#))

**C20** Sch. 9 para. 3(2)(a)(b) modified (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), [regs. 1\(1\)](#), [52\(5\)](#)

**C21** Sch. 9 para. 3(2)(a)(b) modified (E.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), [regs. 1\(1\)](#), [57\(5\)](#) (with [regs. 47, 70](#))

- 4
- (1) An order under paragraph 3 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.
  - (2) Where a mineral planning authority submit such an order to the Secretary of State for his confirmation under this paragraph, the authority shall serve notice of the order—
    - (a) on any person who is an owner or occupier of any of the land to which the order relates, and
    - (b) on any other person who in their opinion will be affected by it.
  - (3) The notice shall specify the period within which any person on whom the notice is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for that purpose.
  - (4) If within that period such a person so requires, before the Secretary of State confirms the order he shall give such an opportunity both to him and to the mineral planning authority.
  - (5) The period referred to in sub-paragraph (3) must not be less than 28 days from the service of the notice.

*Status: Point in time view as at 25/05/2020.*

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- (6) Where an order under paragraph 3 has been confirmed by the Secretary of State, the mineral planning authority shall serve a copy of the order on every person who was entitled to be served with notice under sub-paragraph (2).
- (7) When an order under paragraph 3 takes effect any planning permission for the development to which the order relates shall cease to have effect.
- (8) Sub-paragraph (7) is without prejudice to the power of the mineral planning authority, on revoking the order, to make a further grant of planning permission for development consisting of the winning and working of minerals [<sup>F202</sup>or involving the depositing of mineral waste].

#### Textual Amendments

**F202** Words in Sch. 9 para. 4(8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(7\)](#)(with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to [art. 4](#))

#### Modifications etc. (not altering text)

- C22** Sch. 9 para. 4(7) modified (22.7.2008) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Mineral Permissions and Amendment\) \(England\) Regulations 2008 \(S.I. 2008/1556\)](#), [reg. 4\(6\)](#)
- C23** Sch. 9 para. 4(7) modified (E.) (24.8.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(S.I. 2011/1824\)](#), [regs. 1\(1\)](#), [52\(6\)](#)
- C24** Sch. 9 para. 4(7) modified (W.) (1.3.2016) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2016 \(S.I. 2016/58\)](#), [reg. 1\(2\)](#), [Sch. 7 para. 10\(6\)](#) (with [reg. 52\(2\)\(3\)](#), 59)
- C25** Sch. 9 para. 4(7) modified (E.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), [regs. 1\(1\)](#), [57\(6\)](#) (with [regs. 47](#), 70)
- C26** Sch. 9 para. 4(7) modified (W.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), [reg. 1\(2\)](#), [Sch. 8 para. 10\(6\)](#) (with [regs. 1\(4\)](#), 55(2)(3), 63, 65)

#### *Orders after suspension of winning and working of minerals*

- <sup>5F203</sup>[( 1 ) Where it appears to the mineral planning authority—
- (a) that development of land—
    - (i) consisting of the winning and working of minerals; or
    - (ii) involving the depositing of mineral waste,has occurred; but
  - (b) the winning and working or depositing has been temporarily suspended,
- the mineral planning authority may by order require that steps be taken for the protection of the environment.]
- (2) An order under sub-paragraph (1) is in this Act referred to as a “suspension order”.
- <sup>F204</sup>[( 3 ) The mineral planning authority may assume that the winning and working or the depositing has been temporarily suspended only when—
- (a) no such winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least twelve months; but

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- (b) it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that a resumption of such winning and working or depositing to a substantial extent is likely.
- (4) In this Act “steps for the protection of the environment” means steps for the purpose
- (a) of preserving the amenities of the area in which the land in, on or under which the development was carried out is situated during the period while the winning and working or the depositing is suspended;
  - (b) of protecting that area from damage during that period; or
  - (c) of preventing any deterioration in the condition of the land during that period.]
- (5) A suspension order shall specify a period, commencing with the date on which it is to take effect, within which any required step for the protection of the environment is to be taken and may specify different periods for the taking of different steps.

#### **Textual Amendments**

**F203** Sch. 9 para. 5(1) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(8\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F204** Sch. 9 para. 5(3)(4) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(9\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

#### *Supplementary suspension orders*

- 6 (1) At any time when a suspension order is in operation the mineral planning authority may by order direct—
- (a) that steps for the protection of the environment shall be taken in addition to or in substitution for any of the steps which the suspension order or a previous order under this sub-paragraph specified as required to be taken; or
  - (b) that the suspension order or any order under this sub-paragraph shall cease to have effect.
- (2) An order under sub-paragraph (1) is in this Act referred to as a “supplementary suspension order”.

#### *Confirmation and coming into operation of suspension orders*

- 7 (1) Subject to sub-paragraph (2), a suspension order or a supplementary suspension order shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.
- (2) A supplementary suspension order revoking a suspension order or a previous supplementary suspension order and not requiring that any fresh step shall be taken for the protection of the environment shall take effect without confirmation.
- (3) Sub-paragraphs (2) to (5) of paragraph 4 shall have effect in relation to a suspension order or supplementary suspension order submitted to the Secretary of State for his confirmation as they have effect in relation to an order submitted to him for his confirmation under that paragraph.

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- (4) Where a suspension order or supplementary suspension order has been confirmed by the Secretary of State, the mineral planning authority shall serve a copy of the order on every person who was entitled to be served with notice of the order by virtue of sub-paragraph (3).

*Registration of suspension orders as local land charges*

- 8 A suspension order or a supplementary suspension order shall be a local land charge.

*Review of suspension orders*

- 9 (1) It shall be the duty of a mineral planning authority—
- (a) to undertake in accordance with the following provisions of this paragraph reviews of suspension orders and supplementary suspension orders which are in operation in their area; and
  - (b) to determine whether they should make in relation to any land to which a suspension order or supplementary suspension order applies—
    - (i) an order under paragraph 3; or
    - (ii) a supplementary suspension order.
- (2) The first review of a suspension order shall be undertaken not more than five years from the date on which the order takes effect.
- (3) Each subsequent review shall be undertaken not more than five years after the previous review.
- (4) If a supplementary suspension order is in operation for any part of the area for which a suspension order is in operation, they shall be reviewed together.
- (5) If a mineral planning authority have made a supplementary suspension order which requires the taking of steps for the protection of the environment in substitution for all the steps required to be taken by a previous suspension order or supplementary suspension order, the authority shall undertake reviews of the supplementary suspension order in accordance with sub-paragraphs (6) and (7).
- (6) The first review shall be undertaken not more than five years from the date on which the order takes effect.
- (7) Each subsequent review shall be undertaken not more than five years after the previous review.
- (8) The duties to undertake reviews imposed by this paragraph are in addition to and not in substitution for the duties imposed by section 105.

*Resumption of mineral working after suspension order*

- 10 (1) Subject to sub-paragraph (2), nothing in a suspension order or a supplementary suspension order shall prevent the recommencement of development consisting of the winning and working of minerals [<sup>F205</sup>or involving the depositing of mineral waste at the site] in relation to which the order has effect.
- (2) No person shall recommence such development without first giving the mineral planning authority notice of his intention to do so.

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- (3) A notice under sub-paragraph (2) shall specify the date on which the person giving the notice intends to recommence [<sup>F206</sup>the development].
- <sup>F207</sup>(4) The mineral planning authority shall revoke the order if the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect.]
- (5) If the authority do not revoke the order before the end of the period of two months from the date specified in the notice under sub-paragraph (2), the person who gave that notice may apply to the Secretary of State for the revocation of the order.
- (6) Notice of an application under sub-paragraph (5) shall be given by the applicant to the mineral planning authority.
- (7) If he is required to do so by the person who gave the notice or by the mineral planning authority, the Secretary of State shall, before deciding whether to revoke the order, give him and the mineral planning authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- <sup>F208</sup>(8) If the Secretary of State is satisfied that the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect, he shall revoke the order.]
- (9) If the Secretary of State revokes an order by virtue of sub-paragraph (8), he shall give notice of its revocation—
- (a) to the person who applied to him for the revocation, and
  - (b) to the mineral planning authority.

#### Textual Amendments

- F205** Words in Sch. 9 para. 10(1) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(10\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F206** Words in Sch. 9 para. 10(3) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15](#) (11) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F207** Sch. 9 para. 10(4) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(12\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F208** Sch. 9 para. 10(8) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(13\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

#### *Default powers of Secretary of State*

- 11 (1) If it appears to the Secretary of State to be expedient that any order under paragraph 1, 3, 5 or 6 should be made, he may himself make such an order.
- (2) Such an order which is made by the Secretary of State shall have the same effect as if it had been made by the mineral planning authority and confirmed by the Secretary of State.
- (3) The Secretary of State shall not make such an order without consulting the mineral planning authority.
- (4) Where the Secretary of State proposes to make an order under paragraph 1 he shall serve a notice of the proposal on the mineral planning authority.



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- (5) The notice shall specify the period (which must not be less than 28 days from the date of its service) within which the authority may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (6) If within that period the authority so require, before the Secretary of State makes the order he shall give the authority such an opportunity.
- (7) The provisions of this Schedule and of any regulations made under this Act with respect to the procedure to be followed in connection with the submission by the mineral planning authority of any order to which sub-paragraph (1) applies, its confirmation by the Secretary of State and the service of copies of it as confirmed shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order, its making by him and the service of copies of it.

**Modifications etc. (not altering text)**

C27 Sch. 9 para. 11 : power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

*F209* [ *Interpretation* ]

**Textual Amendments**

F209 Sch. 9 para. 12 and cross heading inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, Sch. 1 para. 15(14) (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

- F210* 12 In this Schedule any reference to a mineral planning authority shall be construed, in relation to the exercise of functions with respect to the depositing of refuse or waste materials (other than mineral waste), as a reference to the authority entitled to discharge such functions.]

**Textual Amendments**

F210 Sch. 9 para. 12 and cross heading inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, Sch. 1 para. 15(14) (with s. 84(5)); S.I. 1991/2067, art. 3 (subject to art. 4)

SCHEDULE 10

Sections 111 and 114.

CONDITION TREATED AS APPLICABLE TO REBUILDING AND ALTERATIONS

- 1 Where the building to be rebuilt or altered is the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any purpose shall not exceed by more than ten per cent. the amount of gross floor space which was last used for that purpose in the original building.
- 2 Where the building to be rebuilt or altered is not the original building, the amount of gross floor space in the building as rebuilt or altered which may be used for any

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purpose shall not exceed the amount of gross floor space which was last used for that purpose in the building before the rebuilding or alteration.

3 In determining under this Schedule the purpose for which floor space was last used in any building, no account shall be taken of any use in respect of which an effective enforcement notice has been or could be served or, in the case of a use which has been discontinued, could have been served immediately before the discontinuance.

4 (1) For the purposes of this Schedule gross floor space shall be ascertained by external measurement.

(2) Where different parts of a building are used for different purposes, floor space common to those purposes shall be apportioned rateably.

5 In relation to a building erected after 1st July 1948 which is a building resulting from the carrying out of any such works as are described in paragraph 1 of Schedule 3, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

F211 SCHEDULE 11

**Textual Amendments**

**F211** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#)(with s. 84(5); S.I. 1991/2067, art. 3, [Sch. 1](#) (subject to art. 4)

F212 . . .

**Textual Amendments**

**F212** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#)(with s. 84(5); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F213 1 . . . . .

**Textual Amendments**

**F213** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#)(with s. 84(5); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F214 . . .

**Textual Amendments**

**F214** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#) (with s. 84(5); S.I. 1991/2067, art. 3, [Sch. 1](#) (subject to art. 4)

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F215<sub>2</sub> .....

**Textual Amendments**

**F215** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#)(with s. 84(5)); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F216<sub>3</sub> .....

**Textual Amendments**

**F216** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#)(with s. 84(5)); S.I. 1991/2067, art. 3, [Sch. 1](#) (subject to art. 4)

F217 . . .

**Textual Amendments**

**F217** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F218<sub>4</sub> .....

**Textual Amendments**

**F218** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#)(with s. 84(5)); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F219<sub>5</sub> .....

**Textual Amendments**

**F219** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt. I](#)(with s. 84(5)); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F220<sub>6</sub> .....

**Textual Amendments**

**F220** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F221<sub>7</sub> .....

**Textual Amendments**

**F221** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#)(with s. 84(5)); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

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F222<sup>8</sup> .....

**Textual Amendments**

**F222** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt. I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F223<sup>9</sup> .....

**Textual Amendments**

**F223** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I** (with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F224 . . .

**Textual Amendments**

**F224** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F225<sup>10</sup> .....

**Textual Amendments**

**F225** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

F226 . . .

**Textual Amendments**

**F226** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt.I**(with s. 84(5)); S.I. 1991/2067, art. 3, **Sch. 1** (subject to art. 4)

F227<sup>11</sup> .....

**Textual Amendments**

**F227** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), Sch. 1 para. 16(1)(2), **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1991/2067, art.3, **Sch. 1** (subject to art. 4)

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F228 . . .

**Textual Amendments**

**F228** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F229<sup>12</sup> . . . . .

**Textual Amendments**

**F229** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt. I](#); S.I. 1991/2067, art. 3, [Sch. 1](#) (subject to art. 4)

F230 . . .

**Textual Amendments**

**F230** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt.I](#)(with s. 84(5)); S.I. 1991/2067, art. 3, [Sch.1](#) (subject to art. 4)

F231<sup>13</sup> . . . . .

**Textual Amendments**

**F231** Sch. 11 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 21, 84(6), [Sch. 1 para. 16\(1\)\(2\)](#), [Sch. 19 Pt. I](#) (with s. 84(5)); S.I. 1991/2067, art.3, [Sch. 1](#) (subject to art. 4)

F232<sup>SCHEDULE 12</sup>

**Textual Amendments**

**F232** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F233 . . .

**Textual Amendments**

**F233** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F234<sup>1</sup> . . . . .

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**Textual Amendments**

**F234** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F235 . . .

**Textual Amendments**

**F235** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F236<sub>2</sub> . . . . .

**Textual Amendments**

**F236** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F237 . . .

**Textual Amendments**

**F237** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#)(subject to art. 4)

F238<sub>3</sub> . . . . .

**Textual Amendments**

**F238** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F239 . . .

**Textual Amendments**

**F239** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F240<sub>4</sub> . . . . .

**Textual Amendments**

**F240** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

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F241 . . .

**Textual Amendments**

**F241** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#)(subject to art. 4)

F242<sup>5</sup> . . . . .

**Textual Amendments**

**F242** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F243<sup>6</sup> . . . . .

**Textual Amendments**

**F243** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F244 . . .

**Textual Amendments**

**F244** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F245<sup>7</sup> . . . . .

**Textual Amendments**

**F245** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F246 . . .

**Textual Amendments**

**F246** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F247<sup>8</sup> . . . . .

*Status: Point in time view as at 25/05/2020.*

*Changes to legislation: Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F247** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F248 . . .

**Textual Amendments**

**F248** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F249 . . . . .

**Textual Amendments**

**F249** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F250 . . .

**Textual Amendments**

**F250** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F251 10 . . . . .

**Textual Amendments**

**F251** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F252 . . .

**Textual Amendments**

**F252** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F253 11 . . . . .

**Textual Amendments**

**F253** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)



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F254 . . .

**Textual Amendments**

**F254** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F255 12 . . . . .

**Textual Amendments**

**F255** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F256 . . .

**Textual Amendments**

**F256** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F257 13 . . . . .

**Textual Amendments**

**F257** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

F258 . . .

**Textual Amendments**

**F258** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F259 14 . . . . .

**Textual Amendments**

**F259** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

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**F260** . . .

**Textual Amendments**

**F260** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

F261 15 . . . . .

**Textual Amendments**

**F261** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F262** . . .

**Textual Amendments**

**F262** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

F263 16 . . . . .

**Textual Amendments**

**F263** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

**F264** . . .

**Textual Amendments**

**F264** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F265 17 . . . . .

**Textual Amendments**

**F265** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

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F266 . . .

**Textual Amendments**

**F266** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F267<sup>18</sup> . . . . .

**Textual Amendments**

**F267** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F268 . . .

**Textual Amendments**

**F268** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F269<sup>19</sup> . . . . .

**Textual Amendments**

**F269** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

F270 . . .

**Textual Amendments**

**F270** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F271<sup>20</sup> . . . . .

**Textual Amendments**

**F271** Sch. 12 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(1), 84(6), [Sch. 19, Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

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## SCHEDULE 13

Section 149.

## BLIGHTED LAND

*Land allocated for public authority functions in development plans etc.*

1 F272 .....

**Textual Amendments**

**F272** Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 18\(2\)](#), [Sch. 9](#) (with s. 111); [S.I. 2004/2202](#), [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4 and in [S.I. 2005/2722](#), art. 7); [S.I. 2005/2847](#), [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3); [2008 c. 29](#), ss. [204](#), [241](#) (and subject to savings in s. 226)

[<sup>F273</sup>1A Land which is identified for the purposes of relevant public functions by a development plan document for the area in which the land is situated [<sup>F274</sup>or by a neighbourhood development plan for the area in which the land is situated].

*Notes*

- (1) Relevant public functions are—
- (a) the functions of a government department, local authority, National Park authority or statutory undertakers;
  - (b) the establishment or running by a public telecommunications operator of a telecommunication system.
- (2) For the purposes of this paragraph a development plan document is—
- (a) a development plan document which is adopted or approved for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (in this paragraph, the 2004 Act);
  - (b) a revision of such a document in pursuance of section 26 of the 2004 Act which is adopted or approved for the purposes of Part 2 of the 2004 Act;
  - (c) a development plan document which has been submitted to the Secretary of State for independent examination under section 20(1) of the 2004 Act;
  - (d) a revision of a development plan document in pursuance of section 26 of the 2004 Act if the document has been submitted to the Secretary of State for independent examination under section 20(1) of that Act.

[ For the purposes of this paragraph a neighbourhood development plan includes <sup>F275</sup>(2A) a draft of a neighbourhood development plan which has been submitted for examination under paragraph 7(2) of Schedule 4B (as applied by section 38A(3) of the 2004 Act).]

- (3) But Note (2)(c) and (d) does not apply if the document is withdrawn under section 22 of the 2004 Act at any time after it has been submitted for independent examination.
- (4) In Note (2)(c) and (d) the submission of a development plan document to the Secretary of State for independent examination is to be taken to include the holding of an independent examination by the Secretary of State under section 21 or section 27 of the 2004 Act.

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*Changes to legislation: Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[ Note (2A) does not apply if the proposal for the draft plan is withdrawn under <sup>F276</sup>(6) paragraph 2 of Schedule 4B (as applied by section 38A(3) of the 2004 Act) at any time after the draft plan has been submitted for examination.]]

#### Textual Amendments

- F273** Sch. 13 para. 1A inserted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 18\(3\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) (subject to transitional provisions and savings in [art. 4](#)); S.I. 2005/2847, [art. 2](#) (with transitional provisions and savings in [art. 3](#))
- F274** Words in Sch. 13 para. 1A inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 23\(a\)](#); S.I. 2012/57, [art. 4\(1\)\(h\)](#) (with arts. 6, 7, 9-11); S.I. 2012/628, [art. 8\(a\)](#) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with [art. 5](#)) (as amended (6.4.2013) by S.I. 2013/797, art. 4)
- F275** Sch. 13 para. 1A Note (2A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 23\(b\)](#); S.I. 2012/57, [art. 4\(1\)\(h\)](#) (with arts. 6, 7, 9-11); S.I. 2012/628, [art. 8\(a\)](#) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with [art. 5](#)) (as amended (6.4.2013) by S.I. 2013/797, art. 4)
- F276** Sch. 13 para. 1A Note (6) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 23\(c\)](#); S.I. 2012/57, [art. 4\(1\)\(h\)](#) (with arts. 6, 7, 9-11); S.I. 2012/628, [art. 8\(a\)](#) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with [art. 5](#)) (as amended (6.4.2013) by S.I. 2013/797, art. 4)

<sup>F277</sup>1B Land in Wales which is identified for the purposes of relevant public functions by a local development plan <sup>F278</sup>or strategic development plan] for the area in which the land is situated.

#### Notes

- (1) Relevant public functions are—
- the functions of the <sup>F279</sup>National Assembly for Wales][<sup>F279</sup>Welsh Ministers], a government department, local authority, National Park authority or statutory undertakers;
  - the establishment or running by a public telecommunications operator of a telecommunications system.
- (2) For the purposes of this paragraph a local development plan <sup>F280</sup>or strategic development plan] is—
- a local development plan <sup>F280</sup>or strategic development plan] which is adopted or approved for the purposes of Part 6 of the Planning and Compulsory Act 2004 (in this paragraph, the 2004 Act);
  - a revision of <sup>F281</sup>a local development plan][<sup>F281</sup>such a plan] in pursuance of section 70 of the 2004 Act which is adopted or approved for purposes of Part 6 of the 2004 Act;
  - a local development plan <sup>F282</sup>or strategic development plan] which has been submitted to the <sup>F283</sup>National Assembly][<sup>F283</sup>Welsh Ministers] for independent examination under section 64(1) of the 2004 Act;

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- (d) a revision of [<sup>F284</sup>a local development plan][<sup>F284</sup>such a plan] in pursuance of section 70 of the 2004 Act if the plan has been submitted to the [<sup>F285</sup>National Assembly][<sup>F285</sup>Welsh Ministers] for independent examination under section 64(1) of that Act.
- (3) But Note (2)(c) and (d) does not apply if the plan is withdrawn under section 66 [<sup>F286</sup>or 66A] of the 2004 Act at any time after it has been submitted for independent examination.
- (4) In Note (2)(c) and (d) the submission of a [<sup>F287</sup>local development] plan to the [<sup>F288</sup>National Assembly][<sup>F288</sup>Welsh Ministers] for independent examination is to be taken to include the holding of an independent examination by the [<sup>F288</sup>National Assembly][<sup>F288</sup>Welsh Ministers] under section 65 or section 71 of the 2004 Act.]

### Textual Amendments

- F277** Sch. 13 para. 1B inserted (5.10.2005) by [Planning and Compulsory Purchase Act 2004 \(Commencement No. 4 and Consequential, Transitional and Savings Provisions\) \(Wales\) Order 2005 \(S.I. 2005/2722\)](#), [art. 3\(3\)](#) (with art. 7)
- F278** Words in Sch. 13 para. 1B inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(2\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F279** Words in Sch. 13 para. 1B Note 1 substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(3\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F280** Words in Sch. 13 para. 1B Note 2 inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(4\)\(a\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F281** Words in Sch. 13 para. 1B Note 2 substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(4\)\(b\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F282** Words in Sch. 13 para. 1B Note 2 inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(4\)\(c\)\(i\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F283** Words in Sch. 13 para. 1B Note 2 substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(4\)\(c\)\(ii\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F284** Words in Sch. 13 para. 1B Note 2 substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(4\)\(d\)\(i\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F285** Words in Sch. 13 para. 1B Note 2 substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(4\)\(d\)\(ii\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F286** Words in Sch. 13 para. 1B Note 3 inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 2 para. 15](#)
- F287** Words in Sch. 13 para. 1B Note 4 omitted (6.9.2015 for specified purposes) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(5\)\(a\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)
- F288** Words in Sch. 13 para. 1B Note 4 substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 10\(5\)\(b\)](#), [58\(2\)\(b\)\(4\)\(b\)](#)

[<sup>F289</sup>1C Land in Wales which is identified for the purposes of relevant public functions (within the meaning of paragraph 1B) by the National Development Framework for Wales.

### Notes

- (1) In this paragraph, the reference to the National Development Framework for Wales is a reference to—
- (a) the National Development Framework for Wales, or a revised Framework, which is published under sections 60 to 60C of the Planning and Compulsory Purchase Act 2004, and

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- (b) a draft of the Framework, or of a revised Framework, which has been laid before the National Assembly for Wales under section 60B(3) of that Act.
- (2) This paragraph does not apply to land that falls within paragraph 1B.
- (3) Note (1)(b) ceases to apply in relation to a draft of a revised Framework if the Welsh Ministers lay before the National Assembly for Wales a copy of a notice that they have decided not to proceed with the revision of the Framework.]

**Textual Amendments**

**F289** Sch. 13 para. 1C inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 10(6), 58(2)(b)(4)(b)**

2 **F290** .....

**Textual Amendments**

**F290** Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 118, 120, 121, Sch. 6 para. 18(2), Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204, 241** (and subject to savings in s. 226)

3 **F291** .....

**Textual Amendments**

**F291** Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 118, 120, 121, Sch. 6 para. 18(2), Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204, 241** (and subject to savings in s. 226)

4 **F292** .....

**Textual Amendments**

**F292** Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 118, 120, 121, Sch. 6 para. 18(2), Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204, 241** (and subject to savings in s. 226)

5 Land indicated in a plan (other than a development plan) approved by a resolution passed by a local planning authority for the purpose of the exercise of their powers under Part III as land which may be required for the purposes of [<sup>F293</sup>relevant public functions (within the meaning of paragraph 1A)] .

6 Land in respect of which a local planning authority—

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- (a) have resolved to take action to safeguard it for development for the purposes of [<sup>F294</sup>relevant public functions (within the meaning of paragraph 1A)]
- (b) have been directed by the Secretary of State to restrict the grant of planning permission in order to safeguard it for such development.

*New towns and urban development areas*

- 7 Land within an area described as the site of a proposed new town in the draft of an order in respect of which a notice has been published under paragraph 2 of Schedule 1 to the <sup>M16</sup>New Towns Act 1981.

*Note*

Land shall cease to be within this paragraph when—

- (a) the order comes into operation (whether in the form of the draft or with modifications), or
- (b) the Secretary of State decides not to make the order.

**Marginal Citations**

**M16** 1981 c. 64

- 8 Land within an area designated as the site of a proposed new town by an order which has come into operation under section 1 of the New Towns Act 1981.

- 9 Land which is—
- (a) within an area intended to be designated as an urban development area by an order which has been made under section 134 of the <sup>M17</sup>Local Government, Planning and Land Act 1980 but has not come into effect; or
  - (b) within an area which has been so designated by an order under that section which has come into effect.

**Marginal Citations**

**M17** 1980 c. 65.

- [<sup>F295</sup>9A Land which is within an area designated under section 197 of the Localism Act 2011 as a Mayoral development area where—
- (a) an order under section 198(2) of that Act establishing a Mayoral development corporation for the area has not been made or has been made but has not come into effect; or
  - (b) such an order has come into effect.]

**Textual Amendments**

**F295** Sch. 13 para. 9A inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 37](#)



*Status: Point in time view as at 25/05/2020.*

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### *Clearance and renewal areas*

- 10 Land within an area declared to be a clearance area by a resolution under section 289 of the <sup>M18</sup>Housing Act 1985.

#### **Marginal Citations**

**M18** 1985 c. 68.

- 11 Land which—
- (a) is surrounded by or adjoining an area declared to be a clearance area by a resolution under section 289 of the <sup>M19</sup>Housing Act 1985, and
  - (b) is land which a local authority have determined to purchase under section 290 of that Act.

#### **Marginal Citations**

**M19** 1985 c. 68.

- 12 Land indicated by information published in pursuance of section 92 of the <sup>M20</sup>Local Government and Housing Act 1989 as land which a local authority propose to acquire in exercise of their powers under Part VII of that Act (renewal areas).

#### **Marginal Citations**

**M20** 1989 c. 42.

### *Highways*

- 13 Land indicated in a development plan (otherwise than by being dealt with in a manner mentioned in [<sup>F296</sup>paragraph 1A]) as—
- (a) land on which a highway is proposed to be constructed, or
  - (b) land to be included in a highway as proposed to be improved or altered.
- 14 Land on or adjacent to the line of a highway proposed to be constructed, improved or altered, as indicated in an order or scheme which has come into operation under Part II of the <sup>M21</sup>Highways Act 1980 (or under the corresponding provisions of Part II of the <sup>M22</sup>Highways Act 1959 or section 1 of the <sup>M23</sup>Highways Act 1971), being land in relation to which a power of compulsory acquisition conferred by any of the provisions of Part XII of that Act of 1980 (including a power compulsorily to acquire any right by virtue of section 250) may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme.

#### *Notes*

- (1) In this paragraph the reference to an order or scheme which has come into operation includes a reference to an order or scheme which has been submitted for confirmation to, or been prepared in draft by, the Minister of Transport or the Secretary of State under Part II of that Act of 1980 and in respect of which a notice has been published under paragraph 1, 2 or 10 of Schedule 1 to that Act.

*Status: Point in time view as at 25/05/2020.*

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- (2) Note (1) shall cease to apply when—
- (a) the relevant order or scheme comes into operation (whether in its original form or with modifications), or
  - (b) the Secretary of State decides not to confirm or make the order or scheme.
- (3) In this paragraph the reference to land required for purposes of construction, improvement or alteration as indicated in an order or scheme includes a reference to land required for the purposes of section 246(1) of the Highways Act 1980.

#### Marginal Citations

- M21** 1980 c. 66.  
**M22** 1959 c. 25.  
**M23** 1971 c. 41.

- 15 Land shown on plans approved by a resolution of a local highway authority as land comprised in the site of a highway as proposed to be constructed, improved or altered by that authority.
- <sup>F297</sup> 16 Land comprised in the site of a highway as proposed to be constructed, improved or altered by the Secretary of State [<sup>F298</sup> or a strategic highways company if he or it] has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the local planning authority.]

#### Textual Amendments

- F297** Sch. 13 para. 16 substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 70, [Sch. 15 Pt. I para. 14\(1\)](#); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))
- F298** Words in Sch. 13 para. 16 substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 109\(2\)](#); S.I. 2015/481, [reg. 2\(a\)](#)

- 17 Land shown on plans approved by a resolution of a local highway authority as land proposed to be acquired by them for the purposes of section 246(1) of the <sup>M24</sup>Highways Act 1980.

#### Marginal Citations

- M24** 1980 c. 66

- 18 Land shown in a written notice given by the Secretary of State [<sup>F299</sup> or a strategic highways company] to the local planning authority as land proposed to be acquired by him [<sup>F300</sup> or it] for the purposes of section 246(1) of the Highways Act 1980 in connection with a [<sup>F301</sup> highway] which he [<sup>F302</sup> or it] proposes to provide.

#### Textual Amendments

- F299** Words in Sch. 13 para. 18 inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 109\(3\)\(a\)](#); S.I. 2015/481, [reg. 2\(a\)](#)
- F300** Words in Sch. 13 para. 18 inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 109\(3\)\(b\)](#); S.I. 2015/481, [reg. 2\(a\)](#)

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- F301** Words in Sch. 13 para. 18 substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 70, **Sch. 15 Pt. I para. 14(2)**(with s. 84(5)); [S.I. 1991/2067, art.3](#) (subject to art. 4)
- F302** Words in Sch. 13 para. 18 inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 109(3)(c)**; [S.I. 2015/481](#), reg. 2(a)

#### *New streets*

- 19 Land which—
- (a) either—
- (i) is within the outer lines prescribed by an order under section 188 of the Highways Act 1980 (orders prescribing minimum width of new streets) or section 159 of the <sup>M25</sup>Highways Act 1959 (which is the predecessor of that section); or
- (ii) has a frontage to a highway declared to be a new street by an order under section 30 of the <sup>M26</sup>Public Health Act 1925 and lies within the minimum width of the street prescribed by any byelaws or local Act applicable by virtue of the order; and
- (b) is, or is part of—
- (i) a dwelling erected before, or under construction on, the date on which the order is made; or
- (ii) the curtilage of any such dwelling.

#### *Note*

This paragraph does not include any land in which the appropriate authority have previously acquired an interest either in pursuance of a blight notice served by virtue of this paragraph or by agreement in circumstances such that they could have been required to acquire it in pursuance of such a notice.

#### **Marginal Citations**

- M25** 1959 c. 25.  
**M26** 1925 c. 71.

#### *General improvement areas*

- 20 Land indicated by information published in pursuance of section 257 of the <sup>M27</sup>Housing Act 1985 as land which a local authority propose to acquire in the exercise of their powers under the provisions of Part VIII of that Act relating to general improvement areas.

#### **Marginal Citations**

- M27** 1985 c. 68.

#### *Compulsory purchase*

- 21 Land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable.

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- 22 Land in respect of which—
- (a) a compulsory purchase order is in force; or
  - (b) there is in force a compulsory purchase order providing for the acquisition of a right or rights over that land;
- and the appropriate authority have power to serve, but have not served, notice to treat in respect of the land or, as the case may be, the right or rights.

*Notes*

- (1) This paragraph applies also to land in respect of which—
  - (a) a compulsory purchase order has been submitted for confirmation to, or been prepared in draft by, a Minister, and
  - (b) a notice has been published under paragraph 3(1)(a) of Schedule 1 to the <sup>M28</sup>Acquisition of Land Act 1981 or under any corresponding enactment applicable to it.
- (2) Note (1) shall cease to apply when—
  - (a) the relevant compulsory purchase order comes into force (whether in its original form or with modifications); or
  - (b) the Minister concerned decides not to confirm or make the order.

**Marginal Citations**

**M28** 1981 c. 67.

- [<sup>F303</sup>23 Land—
- (a) the compulsory acquisition of which is authorised by an order under section 1 or 3 of the Transport and Works Act 1992, or
  - (b) which falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable, or
  - (c) which is the subject of a proposal, contained in an application made in accordance with rules under section 6 of that Act or in a draft order prepared under section 7(3) of that Act, that it should be such land.]

**Textual Amendments**

**F303** Sch. 13 para. 23 added (1.1.1993) by [Transport and Works Act 1992 \(c. 42\), s. 16\(2\)](#); [S.I. 1992/2784, art. 2\(a\)](#), [Sch. 1](#)

- [<sup>F304</sup>24 Land falls within this paragraph if—
- (a) the compulsory acquisition of the land is authorised by an order granting development consent, or
  - (b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by an order granting development consent are exercisable, or
  - (c) an application for an order granting development consent seeks authority to compulsorily acquire the land.]

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#### Textual Amendments

**F304** Sch. 13 para. 24 inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by [Planning Act 2008 \(c. 29\)](#), [ss. 175\(2\)](#), [241](#) (with [s. 226](#)); [S.I. 2009/400](#), [art. 3](#); [S.I. 2010/101](#), [art. 4](#) (with [art. 6](#))

*[<sup>F305</sup>Land identified in national policy statements*

#### Textual Amendments

**F305** Sch. 13 para. 25 and cross-heading inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by [Planning Act 2008 \(c. 29\)](#), [ss. 175\(2\)](#), [241](#) (with [s. 226](#)); [S.I. 2009/400](#), [art. 3](#); [S.I. 2010/101](#), [art. 4](#) (with [art. 6](#))

- 25 Land falls within this paragraph if the land is in a location identified in a national policy statement as suitable (or potentially suitable) for a specified description of development.

#### *Note*

Land ceases to fall within this paragraph when the national policy statement—

- (a) ceases to have effect, or
- (b) ceases to identify the land as suitable or potentially suitable for that description of development.]

## SCHEDULE 14

Section 259.

### PROCEDURE FOR FOOTPATHS AND BRIDLEWAYS ORDERS

#### Modifications etc. (not altering text)

**C28** Sch. 14 applied (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), [reg. 2\(1\)](#), [Sch. Pt. 1](#) (see [S.I. 2006/1172](#), [art. 2\(a\)-\(d\)](#) (with [art. 3](#)) and [S.I. 2006/1279](#), [art. 2\(a\)-\(d\)](#) (with [art. 3](#)))

## PART I

### CONFIRMATION OF ORDERS

- 1 (1) Before an order under section 257 or 258 is submitted to the Secretary of State for confirmation or confirmed as an unopposed order, the authority by whom the order was made shall give notice in the prescribed form—
- (a) stating the general effect of the order and that it has been made and is about to be submitted for confirmation or to be confirmed as an unopposed order;
  - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge and copies of it may be obtained at a reasonable charge at all reasonable hours; and

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- (c) specifying the time (which must not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.
- (2) Subject to sub-paragraphs (6) and (7), the notice to be given under sub-paragraph (1) shall be given—
- (a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated; and
- (b) by serving a similar notice on—
- (i) every owner, occupier and lessee (except tenants for a month or a period less than a month and statutory tenants within the meaning of the <sup>M29</sup>Rent Act 1977) of any of that land; and
- (ii) every council, the council of every <sup>F306</sup> . . . parish [<sup>F307</sup>or community] and the parish meeting of every <sup>F306</sup> . . . parish not having a separate council, being a council or parish whose area includes any of that land; and
- <sup>F308</sup>(*ia*) any National Park authority for a National Park which includes any of that land; and]
- (iii) any statutory undertakers to whom there belongs, or by whom there is used, for the purposes of their undertaking, any apparatus under, in, on, over, along or across that land; and
- (iv) every person on whom notice is required to be served in pursuance of sub-paragraph (4); and
- (v) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate; and
- (c) by causing a copy of the notice to be displayed in a prominent position—
- (i) at the ends of so much of any footpath [<sup>F309</sup>, bridleway or restricted byway] as is to be stopped up, diverted or extinguished by the order;
- (ii) at council offices in the locality of the land to which the order relates; and
- (iii) at such other places as the authority may consider appropriate.
- (3) In sub-paragraph (2)—
- “council” means a county council, [<sup>F310</sup>a county borough council] a district council, a London borough council [<sup>F311</sup>, the London Fire Commissioner,]<sup>F312</sup>a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 [<sup>F313</sup>, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004];]
- “council offices” means offices or buildings acquired or provided by a council or by the council of a parish or community or the parish meeting of a parish not having a separate parish council.
- (4) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders under section 257 or 258 as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area.

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- (5) In sub-paragraph (4) “specified” means specified in the requirement.
- (6) Except where an owner, occupier or lessee is a local authority [<sup>F314</sup>National Park authority] or statutory undertaker, the Secretary of State may in any particular case direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i).
- (7) If the Secretary of State gives a direction under sub-paragraph (6) in the case of any land, then—
  - (a) in addition to publication the notice shall be addressed to “the owners and any occupiers” of the land (describing it); and
  - (b) a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.
- (8) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (7) shall be complied with not less than 28 days before the expiry of the time specified in the notice.
- (9) A notice required to be served by sub-paragraph (2)(b)(i), (ii), (iii) or (v) shall be accompanied by a copy of the order.
- (10) A notice required to be displayed by sub-paragraph (2)(c)(i) at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.

#### Textual Amendments

- F306** Words in Sch. 14 para. 1(2)(b)(ii) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt. VI**
- F307** Words in Sch. 14 para. 1(2)(b)(ii) inserted (1.10.1995) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(17)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 4(1), **Sch. 2**
- F308** Sch. 14 para. 1(2)(b)(iia) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(17)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F309** Words in Sch. 14 para. 1(2)(c)(i) substituted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177, **Sch. 1 Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3)))
- F310** Words in definition of "council" in Sch. 14 para. 1(3) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(17)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F311** Words in Sch. 14 para. 1(3) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 95**; S.I. 2018/227, **reg. 4(c)**
- F312** Sch. 14 para. 1(3): words in definition of "council" substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148, 149, **Sch. 6 para. 82(3)**; S.I. 2009/3318, **art. 2**
- F313** Words in Sch. 14 para. 1(3) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 70**; S.I. 2017/399, **reg. 2, Sch. para. 38**
- F314** Words in Sch. 14 para. 1(6) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(17)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

#### Modifications etc. (not altering text)

- C29** Sch. 14 para. 1(3) amended (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 5**

#### Marginal Citations

- M29** 1977 c. 42.

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- 2 If no representations or objections are duly made, or if any so made are withdrawn, the authority by whom the order was made may, instead of submitting the order to the Secretary of State, themselves confirm the order (but without any modification).
- 3 (1) This paragraph applies where any representation or objection which has been duly made is not withdrawn.
- (2) If the objection is made by a local authority [<sup>F315</sup>or a National Park authority] the Secretary of State shall, before confirming the order, cause a local inquiry to be held.
- (3) If the representation or objection is made by a person other than a local authority the Secretary of State shall, before confirming the order, either—
- (a) cause a local inquiry to be held; or
  - (b) give any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.
- (4) After considering the report of the person appointed under sub-paragraph (2) or (3) to hold the inquiry or hear representations or objections, the Secretary of State may confirm the order, with or without modifications.
- (5) In the case of an order under section 257, if objection is made by statutory undertakers on the ground that the order provides for the creation of a public right of way over land covered by works used for the purpose of their undertaking, or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- (6) Notwithstanding anything in the previous provisions of this paragraph, the Secretary of State shall not confirm an order so as to affect land not affected by the order as submitted to him, except after—
- (a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which must not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made;
  - (b) holding a local inquiry or giving any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and
  - (c) considering the report of the person appointed to hold the inquiry or, as the case may be, to hear representations or objections.
- (7) In the case of an order under section 257, if objection is made by statutory undertakers on the ground that the order as modified would provide for the creation of a public right of way over land covered by works used for the purposes of their undertaking or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

#### Textual Amendments

**F315** Words in Sch. 14 para. 3(2) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(17)(c)** (with ss. 7(6), 115, 117); S.I. 1995/2950, **art. 2(1)**

- 4 (1) A decision of the Secretary of State under paragraph 3 shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions



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- given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.
- (2) A decision made by a person so appointed shall be treated as a decision of the Secretary of State.
- (3) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State.
- (4) A direction under sub-paragraph (3) shall—
- (a) state the reasons for which it is given; and
  - (b) be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.
- (5) Where the Secretary of State has appointed a person to make a decision under paragraph 3 the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it.
- (6) Where by virtue of sub-paragraph (3) or (5) a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.
- (7) Regulations under this Act may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.
- 5 (1) The Secretary of State shall not confirm an order under section 257 which extinguishes a right of way over land under, in, on, over, along or across which there is any apparatus belonging to or used by statutory undertakers for the purposes of their undertaking, unless the undertakers have consented to the confirmation of the order.
- (2) Any such consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require.
- (3) The consent of statutory undertakers to any such order shall not be unreasonably withheld.
- (4) Any question arising under this paragraph whether the withholding of consent is unreasonable, or whether any requirement is reasonable, shall be determined by whichever Minister is the appropriate Minister in relation to the statutory undertakers concerned.
- 6 Regulations under this Act may, subject to this Part of this Schedule, make such provision as the Secretary of State thinks expedient as to the procedure on the making, submission and confirmation of orders under sections 257 and 258.

## PART II

### PUBLICITY FOR ORDERS AFTER CONFIRMATION

- 7 (1) As soon as possible after an order under section 257 or 258 has been confirmed by the Secretary of State or confirmed as an unopposed order, the authority by whom the order was made—

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- (a) shall publish, in the manner required by paragraph 1(2)(a), a notice in the prescribed form—
- (i) describing the general effect of the order,
  - (ii) stating that it has been confirmed, and
  - (iii) naming a place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge and copies of it may be obtained at a reasonable charge at all reasonable hours;
- (b) shall serve a similar notice on any persons on whom notices were required to be served under paragraph 1(2)(b) or (7); and
- (c) shall cause similar notices to be displayed in a similar manner as the notices required to be displayed under paragraph 1(2)(c).
- (2) No such notice or copy need be served on a person unless he has sent to the authority a request in that behalf, specifying an address for service.
- (3) A notice required to be served by sub-paragraph (1)(b) on—
- (a) a person on whom notice was required to be served by paragraph 1(2)(b)(i), (ii) or (iii); or
  - (b) in the case of an order which has been confirmed with modifications, a person on whom notice was required to be served by paragraph 1(2)(b)(v), shall be accompanied by a copy of the order as confirmed.
- (4) As soon as possible after a decision not to confirm an order under section 257 or 258, the authority by whom the order was made shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 1(2)(b) or (7).
- 8 Where an order under section 257 or 258 has come into force otherwise than—
- (a) on the date on which it was confirmed by the Secretary of State or confirmed as an unopposed order; or
  - (b) at the expiration of a specified period beginning with that date,
- then as soon as possible after it has come into force the authority by whom it was made shall give notice of its coming into force by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated.

## SCHEDULE 15

Section 302(5).

### PRELIMINARY

- 1 In this Schedule an application under section 302(3) and a determination given on such an application are referred to respectively as “a compliance determination application” and “a compliance determination”.

#### *Making of compliance determination applications*

- 2 (1) A compliance determination application may be made with respect to any land—
- (a) by the owner or occupier of the land, or

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- (b) by any person who proves that he has or intends to acquire an interest in the land which will be affected by a compliance determination or that he has borne any of the cost of carrying out works on the land during the war period.
- (2) In the case of land owned or occupied by or on behalf of the Crown, or leased to, or to a person acting on behalf of, the Crown, or land with respect to which it is proved that there is held, or intended to be acquired, by or on behalf of the Crown an interest in the land which will be affected as mentioned in sub-paragraph (1) or that any of the cost there mentioned has been borne by the Crown, a compliance determination application may be made by any person acting on behalf of the Crown.
- 3 A compliance determination application shall be accompanied by such plans and other information as are necessary to enable the application to be determined.
- 4 (1) The authority to whom a compliance determination application is made shall within 14 days from the receipt of the application publish notice of it in one or more local newspapers circulating in the area in which the land is situated and serve notice of it on any person appearing to the authority to be specially affected by the application.
- (2) The authority shall take into consideration any representations made to them in connection with the application within 14 days from the publication of the notice.

#### *Determination of applications*

- 5 (1) Where a compliance determination application is made to an authority the authority shall determine whether the works or use in question fail to comply with any planning control which the authority are responsible for enforcing and, if so, shall specify the control in question.
- (2) Where the authority determine that works or a use fail so to comply they shall further determine whether having regard to all relevant circumstances the works or use shall, notwithstanding the failure, be deemed so to comply, either unconditionally or subject to such conditions as to the time for which the works or use may be continued, the carrying out of alterations, or other matters, as the authority think expedient.

#### *Appeals against compliance determinations or failure to make such determinations*

- 6 (1) Where the applicant is aggrieved by a compliance determination, or where a person by whom representations have been made as mentioned in paragraph 4 is aggrieved by such a determination, he may appeal to the Secretary of State.
- (2) The applicant may also appeal if he is aggrieved by the failure of the authority to determine the application within two months from the last day on which representations under paragraph 4 may be made and has served notice on the authority that he appeals to the Secretary of State.
- (3) An appeal under this paragraph must be made within the period of 28 days after the applicant has notice of the determination or, in the case of an appeal under sub-paragraph (2), after the applicant has served notice on the authority of the appeal, or within such extended period as the Secretary of State may allow.
- 7 (1) On such an appeal the Secretary of State may give, in substitution for the determination, if any, given by the authority, such determination as appears to him to be proper having regard to all relevant circumstances, or, if he is satisfied that the applicant was not a person entitled to make the application, may decide that the application is not to be entertained.

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- (2) At any stage of the proceedings on such an appeal to him the Secretary of State may, and shall if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in connection with the appeal.
- 8 Subject to paragraph 9 and to any determination or decision of the Secretary of State on an appeal under paragraph 7, any compliance determination shall be final and any such failure to give a determination as mentioned in paragraph 6(2) shall be taken on the service of the notice there mentioned as a final refusal by the authority to entertain the application, and any determination or decision of the Secretary of State on an appeal under paragraph 7 shall be final.

*Fresh applications where alteration in circumstances*

- 9 Where a compliance determination has been given that works on land or a use of land shall not be deemed to comply with planning control or shall be deemed to comply with it subject to conditions, then if a person entitled to make a compliance determination application with respect to the land satisfies the authority or on appeal the Secretary of State that there has been a material change of circumstances since the previous application was determined, he may make a subsequent application and on such an application the authority or on appeal the Secretary of State may substitute for the compliance determination such determination as appears proper having regard to all relevant circumstances.

*References of application to Secretary of State*

- 10 (1) If it appears to the Secretary of State that it is expedient, having regard to considerations affecting the public interest (whether generally or in the locality concerned), that any compliance determination application to an authority or any class or description of such applications, should instead of being determined by the authority be referred to him for decision, he may give directions to the authority requiring that application, or applications of that class or description, to be so referred.
- (2) This Schedule shall apply to any such reference as if it were an appeal under paragraph 6(2) following failure of the authority to entertain the application.

*Information*

- 11 The Secretary of State may give directions to any authority responsible for enforcing planning control requiring them to furnish him with such information with respect to compliance determination applications received by them as he considers necessary or expedient in connection with the exercise of his functions under this Schedule.

*Opportunity for hearing*

- 12 On any compliance determination application or any appeal under this Schedule the applicant or, in the case of an application referred to the Secretary of State for decision or an appeal to the Secretary of State, the applicant or the authority responsible for enforcing the planning control in question, may require the authority by whom the application is to be determined or, as the case may be, the Secretary of State to give him or them an opportunity before the application or appeal is

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determined of appearing before and being heard by a person appointed by the authority or, as the case may be, the Secretary of State for the purpose.

*Notice of proposed enforcement*

- 13 (1) This paragraph applies where before the relevant date any person proposes to take steps for enforcing a planning control in the case of such works or such a use as mentioned in subsection (1) of section 302.
- (2) Subject to sub-paragraph (4), unless a compliance determination application has been made in relation to the land which has not been finally determined, that person shall serve on every owner and occupier of the land not less than 28 days' notice of the proposal, and if within that period any person makes such an application in relation to the land and within seven days of making it serves on the person proposing to take steps as aforesaid notice that the application has been made, no steps for enforcing the control shall be taken until the final determination of the application.
- (3) If such an application has been made which has not been finally determined, no such steps shall be taken until the final determination of it.
- (4) No notice shall be required under sub-paragraph (2) if steps for enforcing a planning control in the case of any works on land are begun within 28 days of the final determination of a compliance determination application in relation to the land.
- (5) For the purpose of this paragraph a compliance determination application shall be treated as having been finally determined notwithstanding that a subsequent application may be made under paragraph 9.

*Power of entry*

- 14 (1) At any time before the relevant date any officer of an authority responsible for enforcing planning control shall, on producing, if so required, some duly authenticated document showing his authority to act for the purposes of this paragraph, have a right, subject to the provisions of this paragraph, to enter any premises at all reasonable hours—
- (a) for the purpose of ascertaining whether there are on the premises any works carried out during the war period which do not comply with planning control, or whether a use of the premises continues which was begun during that period and does not comply with it;
- (b) where a compliance determination application has been made to the authority, for the purpose of obtaining any information required by the authority for the exercise of their functions under section 302 and this Schedule in relation to the application.
- (2) Admission to any premises which are occupied shall not be demanded as of right unless 24 hours' notice of the intended entry has been served on the occupier.
- (3) Any person who wilfully obstructs any officer of an authority acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (4) If any person who in compliance with this paragraph is admitted into a factory, workshop or workplace, discloses to any person any information obtained by him in it with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable on summary conviction

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to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding three months.

*Service of notices*

- 15 (1) Any notice or other document required or authorised to be served under this Schedule may be served on any person either by delivering it to him, or by leaving it at his proper address or by post.
- (2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.
- (3) For the purposes of this paragraph and of section 7 of the <sup>M30</sup>Interpretation Act 1978, the proper address of any person upon whom any such document is to be served is—
- (a) in the case of the secretary or clerk of any incorporated company or body, that of the registered or principal office of the company or body, and
  - (b) in any other case, the last known address of the person to be served.
- (4) If it is not practicable after reasonable enquiry to ascertain the name or address of an owner or occupier of land on whom any such document is to be served, the document may be served by addressing it to him by the description of “owner” or “occupier” of the premises (describing them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

**Marginal Citations**

**M30** 1978 c. 30.

*Supplementary provisions*

- 16 Parts XIV and XV do not apply to section 302 and this Schedule.

SCHEDULE 16

Sections 314 to 319.

PROVISIONS OF THE PLANNING ACTS REFERRED TO IN SECTIONS 314 TO 319

F316F317F318 **PART I**

**Textual Amendments**

**F316** Words in *Sch. 16 Pt. I* substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by *Planning (Wales) Act 2015 (anaw 4)*, s. 58(2)(b)(4)(b), **Sch. 4 para. 23(2)**; S.I. 2016/52, art. 3(e)

**F317** Words in *Sch. 16 Pt. I* inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by *Planning (Wales) Act 2015 (anaw 4)*, s. 58(2)(b)(4)(b), **Sch. 4 para. 23(3)**; S.I. 2016/52, art. 3(e)

**F318** Words in *Sch. 16 Pt. I* inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by *Planning (Wales) Act 2015 (anaw 4)*, s. 58(2)(b)(4)(b), **Sch. 4 para. 23(4)**; S.I. 2016/52, art. 3(e)

*Status: Point in time view as at 25/05/2020.*

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[<sup>F319</sup>Section 1(1) to (3), (5) and (6)].

**Textual Amendments**

**F319** Words in Sch. 16 Pt. 1 substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(18)** (with ss. 54(5)(6), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Section 2.

Section 9.

Section 55.

Section 57.

Section 59.

Section 60 except subsection (4).

[<sup>F316</sup>Sections 61 [<sup>F320</sup>and 62].]

**Textual Amendments**

**F320** Words in entry in Sch. 16 Pt. 1 relating to ss. 61-64 substituted (2.1.1992 so far as relating to the omission of the reference to s. 63 otherwise 27.7.1992) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 57(2)(a)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1**; S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))

[<sup>F316</sup>Section 61.

Sections 61Z to 61Z2.

Section 62.

Sections 62D to 62S.]

Section 69(1), (2) and (5).

Section 70.

[<sup>F321</sup>Section 70A.]

**Textual Amendments**

**F321** Entry in Sch. 16 Pt. 1 inserted (25.9.1991) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 57(2)(b)** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

[<sup>F317</sup>Sections 71ZA and 71ZB.]

Section 72(1) to (4).

[<sup>F322</sup>Section 73A.]

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**Textual Amendments**

**F322** Entry in Sch. 16 Pt. 1 inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(2\)\(c\)](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)

Section 74.

Section 75.

Section 77 with the omission in subsection (4) of the reference to sections 65 <sup>F323</sup>...

**Textual Amendments**

**F323** Words in the entry in Sch. 16 Pt. 1 relating to s. 77 repealed (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(2\)\(d\)](#), [Sch. 19 Pt. 1](#) (with s. 84(5)); S.I. 1992/1491, art. 2, [Schs. 1, 2](#)

Sections 78 and 79(1) to (5) <sup>F324</sup>...

**Textual Amendments**

**F324** Words in the entry in Sch. 16 Pt. 1 relating to ss. 78-79 repealed (17.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(2\)\(e\)](#), [Sch. 19 Pt. 1](#) (with s. 84(5)); S.I. 1992/1491, art. 2, [Schs. 1, 2](#)

Section 90(1), (3) and (4).

Sections 96 to 98 except subsection (5) of section 97.

Section 100.

[<sup>F318</sup>Section 100A.]

Sections 102 to 104 except subsection (8) of section 102.

Sections 106 to [<sup>F325</sup>106BC].

**Textual Amendments**

**F325** Word in Sch. 16 Pt. 1 substituted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 2 para. 10](#)

Section 107.

Section 108.

[<sup>F326</sup>Section 115]

**Textual Amendments**

**F326** Entry in Sch. 16 Pt. 1 substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31(4), [Sch. 6 para. 41\(a\)](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)



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Sections 117 and 118.

Section 137 except subsections (6) and (7).

Section 138.

Section 139(1) to (4).

Sections 140 and 141.

Sections 143 and 144.

Section 148.

Section 175(5) [<sup>F327</sup>(7)].

#### Textual Amendments

**F327** Words inserted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 6, Sch. 4 paras. 1, 8\(a\)](#) (which temp. insertion falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of [S.I. 1991/2698, art. 3](#) and [S.I. 2009/849, art. 2](#) (with [art. 3](#)))

Sections 178 to 182

Section 185.

Section 186(6) and (7).

Section 188.

Section 189.

Section 190 (in so far as it applies to orders under section 102).

[<sup>F328</sup>Section 192.]

#### Textual Amendments

**F328** Entry in Sch. 16 Pt. 1 inserted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 57\(2\)\(g\)](#) (with [s. 84\(5\)](#)); [S.I. 1992/1630, art. 2, Sch. 1](#) (with [art. 3\(1\)](#))

[<sup>F327</sup>Section 196(8)]

[<sup>F329</sup>Sections 196A to 196C.]

#### Textual Amendments

**F329** Entry in Sch. 16 Pt. 1 inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 57\(2\)\(g\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2905, art. 3, Sch. 1](#) (subject to [art. 5](#))

Sections 198 to 200.

Sections 202 and 203.

Section 205.

*Status: Point in time view as at 25/05/2020.*

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Section 208(10) [<sup>F327</sup>(11)].

Section 209(6).

Section 210.

Section 211(4).

[<sup>F330</sup>Sections 214A to 214D.]

**Textual Amendments**

**F330** Entry in Sch. 16 Pt. 1 inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(2\)\(h\)](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)

Sections 215 to 224.

Section 227.

Sections 229 to 233.

Sections 235 to 247.

Sections 251 and 252.

Sections 254 to 256.

Section 260.

Section 263.

Section 265(1) and (4).

Sections 266 to 272.

Sections 274 to 278.

Section 279 except subsection (4).

Section 280 except subsections (6) and (8)(b).

Sections 281 to 283.

Section 284(1) except paragraphs (e) and (f).

Section 285 <sup>F331</sup>...

**Textual Amendments**

**F331** Words in entry in Sch. 16 Pt. 1 relating to s. 285 repealed (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), [Sch. 7 para. 57\(2\)\(i\)](#), [Sch. 19 Pt. I](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Schs. 1, 2](#) (subject to art. 5)

Section 287.

Section 289.

Section 292 with the omission in subsection (2) of the references to section 288.

*Status: Point in time view as at 25/05/2020.*

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Section 293(1) to (3).

Section 294(1).

Section 296(1) (the reference in paragraph (c) to Part III not being construed as referring to <sup>F332</sup>section 65]), and (2) to (4).

#### Textual Amendments

**F332** Words in the entry in Sch. 16 Pt. 1 relating to s. 296 substituted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 57(2)(j)**(with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

Section 297.

Sections 305 and 306.

Section 314.

Section 315.

<sup>F333</sup>Sections 316 and 316A.]

#### Textual Amendments

**F333** Entry in Sch. 16 Pt. 1 substituted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 57(2)(k)** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

Section 318 except subsections (2)(a), (4) and (5).

Section 324(1), (3) and (5) to (9).

Section 325.

Section 330.

Section 334.

Paragraphs 13 and 20(3) of Schedule 1.

Schedule 3.

Paragraphs 1 to 3 of Schedule 4.

Schedule 17.

Any other provisions of the planning Acts in so far as they apply, or have effect for the purposes of, any of the provisions specified above.

## PART II

Sections 30 to 49.

Section 50(5).

Section 51.

*Status: Point in time view as at 25/05/2020.*

*Changes to legislation: Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Sections 53 and 54.

Section 56(2) to (6) with the omission in subsection (3) of the references to sections 85, 86(6) and 87(4).

[<sup>F334</sup>Section 65.]

**Textual Amendments**

**F334** Entry in Sch. 16 Pt. 2 substituted (17.7.1992) for entries relating to ss. 65 and 68 by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 57(3)(a)** (with s. 84(5)); S.I. 1992/1491, art. 2, **Sch. 1**

Section 69(3) and (4).

Section 79(6) [<sup>F335</sup>to] (7).

**Textual Amendments**

**F335** Word in [Sch. 16 Pt. 2](#) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 57(3)(b)**(with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

Sections 91 to 93.

Section 94(1)(a) and (2) to (6).

Section 95.

Section 99.

Section 101.

Section 137(6) and (7).

Section 142.

Section 157(1) and (2).

Sections 162 and 163.

Section 166.[<sup>F336</sup>Sections 171A to 171D.]

**Textual Amendments**

**F336** Entry in Sch. 16 Pt. 2 inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch 7 para. 57(3)(c)**(with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)

Sections 172 to 174.

Section 175(1) to (4) and (6).

Sections 176 and 177.

Sections 183 and 184.

Section 186(1) to (5).

*Status: Point in time view as at 25/05/2020.*

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[<sup>F337</sup> Sections 187 to 187B.]

#### Textual Amendments

**F337** Entry in Sch. 16 Pt. 2 substituted (2.1.1992 except so far as relating to s. 187A which exception is 27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(3\)\(d\)](#)(with s. 84(5)); [S.I. 1991/2905, art. 3, Sch. 1](#) (subject to art. 5); [S.I. 1992/1630, art. 2, Sch. 1](#) (with art. 3(1))

Sections 191 to 196.

Section 208(9).

Section 226.

Section 228(1), (3), (4) and (7).

Sections 248, 249 and 250.

Section 253.

Section 257.

Section 258(1).

Section 259.

Section 261.

Section 264(1) to (6).

Section 273.

Section 279(4).

Section 280(6) and (8)(b).

Section 304.

Section 307.

Section 331.

Paragraphs 3 to 12 of Part II of Schedule 2, Part III of Schedule 2, Schedules 6 and 14.

### PART III

[<sup>F338</sup> Sections 109 to 112.]

#### Textual Amendments

**F338** Entry in Sch. 16 Pt. III substituted (25.9.1991) for the first three entries by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(4\)\(a\)](#)(with s. 84(5)); [S.I. 1991/2067, art.3](#) (subject to art. 4)

Section 298.

Sections 308 to 310.

*Status: Point in time view as at 25/05/2020.*

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F339

**Textual Amendments**

**F339** Entries in Sch. 16 Pt. III repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), [Sch. 7 para. 57\(4\)\(b\)](#), [Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1991/2067, art. 3, [Sch. 1](#) (subject to art. 4)

Section 318(4) and (5).

F339

[<sup>F340</sup>Section 328.]

**Textual Amendments**

**F340** Entry in Sch. 16 Pt. III substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(4\)\(c\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

F341

**Textual Amendments**

**F341** Entry in Sch. 16 Pt. III repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(4), 84(6), [Sch. 6 para. 41\(b\)](#), [Sch. 19 Pt.II](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

Any other provisions of the planning Acts in so far as they apply, or have effect for the purposes of, any of the provisions specified above.

<sup>F342</sup>**PART IV**

**Textual Amendments**

**F342** Sch. 16 Pt. IV repealed (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), [Sch. 7 para. 57\(5\)](#), [Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, 2 (with art. 3(1))

<sup>F343</sup>**PART V**

**Textual Amendments**

**F343** Sch. 16 Pt. V repealed (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(5\)](#), [Sch. 19 Pt.I](#) (with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, 2

*Status: Point in time view as at 25/05/2020.*

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## PART VI

Section 60(4).

<sup>F344</sup>[ Section 65. ]

### Textual Amendments

**F344** Entries in Sch. 16 Pt. VI substituted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(6\)\(a\)](#)(with s. 84(5)); S.I. 1992/1491, art. 2, [Sch. 1](#)

Section 71(1) [<sup>F345</sup>(2) and (2A)].

### Textual Amendments

**F345** Words in entries in Sch. 16 Pt. VI substituted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(6\)\(b\)\(d\)](#)(with s. 84(5)); S.I. 1992/1491, art. 2, [Sch. 1](#)

Sections 149 to 151.

Section 153(1) to (7).

Sections 154 to 156.

Section 161(1) in so far as it relates to provisions mentioned in this Part of this Schedule.

Section 164.

Sections 168 to 171.

Section 284 except subsection (1)(a) to (d).

Section 285(5) and (6).

Section 288.

[<sup>F346</sup>Section 291.]

### Textual Amendments

**F346** Entries in Sch. 16 Pt. VI substituted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 57\(6\)\(c\)](#) (with s. 84(5)); S.I. 1992/1630, art. 2, [Sch. 1](#) (with art. 3(1))

Section 292(2).

Section 296(1) (construed as if the reference to Part III were a reference only to [<sup>F345</sup>section 65]) and (5).

Section 318(2) except paragraph (b).

<sup>F347</sup> . . .

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#### Textual Amendments

**F347** Entry in Sch. 16 Pt. VI repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(4), 84(6), Sch. 6 para. 41(b), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to [art. 4](#))

In Schedule 13, paragraphs 1 to 4, 12 to 16 and 20 to 22.

Any other provisions of this Act in so far as they apply, or have effect for the purpose of, any of the provisions specified above.

## SCHEDULE 17

Section 333(6).

### ENACTMENTS EXEMPTED FROM SECTION 333(6)

<sup>1</sup>**F348**

#### Textual Amendments

**F348** Sch. 17 para. 1 repealed by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 16 Pt. III](#)

2

The following provisions of the <sup>M31</sup>Highways Act 1980—  
section 73(1) to (3), (6) and (9) to (11)  
section 74 (except subsection (6))  
<sup>F349</sup> . . .  
section 241  
section 261(5) and, so far as it relates to it, section 261(6)  
section 307(5) and (7)  
Schedule 9.

#### Textual Amendments

**F349** Words in Sch. 17 para. 2 repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 84(6), [Sch. 19 Pt. V](#) (with s. 84(5) and subject to saving in s. 81(2)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

#### Marginal Citations

**M31** 1980 c. 66.

3

The following further provisions of the Highways Act 1980—  
<sup>F350</sup>[( a) sections 187 and 200(1) so far as applicable for the purposes of section 188 of that Act;]  
(b) section 247(6) so far as applicable for the purposes of section 241 of that Act;  
(c) in section 307—  
(i) subsections (1) to (3) so far as applicable for the purposes of section 73 of that Act;  
(ii) subsections (1), (3) and (6) so far as applicable for the purposes of section 74 of that Act;



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- <sup>F350</sup>(iii) . . . . .  
(d) section 311 so far as applicable for the purposes of section 74 of that Act.

**Textual Amendments**

**F350** Sch. 17 para. 3(a)(c)(iii) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 84(6), [Sch. 19 Pt.V](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to [art. 4](#))

- 4 Section 279 of the Highways Act 1980 so far as the purposes in question are the purposes of the exercise by a county council [<sup>F351</sup>, county borough council] or metropolitan district council in relation to roads maintained by that council of their powers under section 73(1) to (3), (6) and (9) to (11) or section 241 of that Act.

**Textual Amendments**

**F351** Words in Sch. 17 para. 4 inserted (1.4.1996) by [1994 c. 19, s. 20\(4\)](#), [Sch. 6 Pt. II para. 24\(19\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, [art. 3](#), [Sch. 1](#)

- 5 Any enactment making such provision as might by virtue of any Act of Parliament have been made in relation to the area to which the order applies by means of a byelaw, order or regulation not requiring confirmation by Parliament.
- 6 Any enactment which has been previously excluded or modified by a development order, and any enactment having substantially the same effect as any such enactment.

TABLE OF DERIVATIONS

Notes:

- 1 The following abbreviations are used in this Table:—

1946 c. 35 =	The Building Restrictions (War-Time Contraventions) Act 1946
1951 c. 60 =	The Mineral Workings Act 1951
1953 c. 49 =	The Historic Buildings and Ancient Monuments Act 1953
1958 c. 69 =	The Opencast Coal Act 1958
1969 c. 22 =	The Redundant Churches and Other Religious Buildings Act 1969
1969 c. 48. =	The Post Office Act 1969
1971 c. 78 =	The Town and Country Planning Act 1971
1972 c. 5 =	The Local Employment Act 1972
1972 c. 42 =	The Town and Country Planning (Amendment) Act 1972

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1972 c. 70 =	The Local Government Act 1972
1973 c. 26 =	The Land Compensation Act 1973
1973 c. 37 =	The Water Act 1973
1973 c. 41 =	The Fair Trading Act 1973
1974 c. 7 =	The Local Government Act 1974
1974 c. 32 =	The Town and Country Amenities Act 1974
1974 c. 36 =	The Mines (Working Facilities and Support) Act 1974
1975 c. 24 =	The House of Commons Disqualification Act 1975
1975 c. 10 =	The Statute Law (Repeals) Act 1975
1975 c. 71 =	The Housing (Consequential Provisions) Act 1975
1975 c. 76 =	The Local Land Charges Act 1975
1977 c. 29 =	The Town and Country Planning (Amendment) Act 1977
1977 c. 38 =	The Administration of Justice Act 1977
1977 c. 40 =	The Control of Office Development Act 1977
1977 c. 45 =	The Criminal Law Act 1977
1977 SI/293 =	The Local Authorities Etc. (Miscellaneous Provisions) Order 1977
1978 c. 30 =	The Interpretation Act 1978
1979 c. 46 =	The Ancient Monuments and Archaeological Areas Act 1979
1980 c. 43 =	The Magistrates' Courts Act 1980
1980 c. 65 =	The Local Government, Planning and Land Act 1980
1980 c. 66 =	The Highways Act 1980
1981 c. 36 =	The Town and Country Planning (Minerals) Act 1981
1981 c. 38 =	The British Telecommunications Act 1981
1981 c. 41 =	The Local Government and Planning (Amendment) Act 1981
1981 c. 43 =	The Disabled Persons Act 1981
1981 c. 54 =	The Supreme Court Act 1981

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1981 c. 64 =	The New Towns Act 1981
1981 c. 66 =	The Compulsory Purchase (Vesting Declarations) Act 1981
1981 c. 67 =	The Acquisition of Land Act 1981
1981 c. 69 =	The Wildlife and Countryside Act 1981
1982 c. 16 =	The Civil Aviation Act 1982
1982 c. 21 =	The Planning Inquiries (Attendance of Public) Act 1982
1982 c. 30 =	The Local Government (Miscellaneous Provisions) Act 1982
1982 c. 48 =	The Criminal Justice Act 1982
1982 c. 52 =	The Industrial Development Act 1982
1982 SI/86 =	The Town and Country Planning (Minerals) Act 1981 (Commencement No 1) Order 1982
1983 c. 47 =	The National Heritage Act 1983
1984 c. 10 =	The Town and Country Planning Act 1984
1984 c. 12 =	The Telecommunications Act 1984
1984 c. 32 =	The London Regional Transport Act
1985 c. 9 =	The Companies (Consequential Provisions) Act 1985
1985 c. 19 =	The Town and Country Planning (Compensation) Act 1985
1985 c. 51 =	The Local Government Act 1985
1985 c. 52 =	The Town and Country Planning (Amendment) Act 1985
1985 c. 71 =	The Housing (Consequential Provisions) Act 1985
1986 c. 31 =	The Airports Act 1986
1986 c. 63 =	The Housing and Planning Act 1986
1986 c. 44 =	The Gas Act 1986
1986 SI/452 =	The Local Government Reorganisation (Miscellaneous Provision) (No 4) Order 1986
1987 c. 3 =	The Coal Industry Act 1987
1988 c. 4 =	The Norfolk and Suffolk Broads Act 1988
1988 c. 40 =	The Education Reform Act 1988

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1988 c. 50 =	The Housing Act 1988
1989 c. 15 =	The Water Act 1989
1989 c. 29 =	The Electricity Act 1989
1989 c. 34 =	The Law of Property (Miscellaneous Provisions) Act 1989
1989 c. 42 =	The Local Government and Housing Act 1989
1989 c. 43 =	The Statute Law (Repeals) Act 1989
1990 SI/465 =	The Town and Country Planning (Blight Provisions) Order 1990
1990 SI/776 =	The Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990

- 2 The Table does not show the effect of transfer of functions orders.
- 3 The letter R followed by a number indicates that the provision gives effect to the Recommendation bearing that number in the Law Commission's Report on the Consolidation of Certain Enactments relating to Town and Country Planning (Cmnd.958).
- 4 The entry "drafting" indicates a provision of a mechanical or editorial nature only affecting the arrangement of the consolidation.

1(1)	1971 c.78 s.1(1)(a), (2A); 1985 c.51 s.3(1); 1986 c.63, Sch.11 para. 14.
(2)	1971 c.78 s.1(1)(b), (c); 1985 c.51 s.3(1).
(3)	1972 c.70 s.182(2); 1985 c. 51 s.3(5).
(4)	1971 c.78 s.1(2B); 1985 c. 51 s.3(3).
(5)(a)	1971 c.78 s.1(6); 1972 c.70 Sch.16 para. 43(b); 1988 c.4 s.2(5), Sch.3 para. 8.
(b)	1971 c.78 s.1(1).
(c)	1972 s.182(2).
2(1),(2)	1971 c.78 s.1(2); 1972 c.70 s.182(1).
(3)	1971 c.78 s.1(4).
(4), (5)	1971 c.78 Sch.1 paras. 1, 2 .
(6)	1971 c.78 Sch.1 para. 3; 1972 c.70 Sch.16 paras. 49,52; 1972 s.272(2).
(7)	1971 c.78 s.1(6); 1972 c.70 s.182(2) Sch.16 para. 43(b); 1988 c.4 Sch. 3 para. 8.
3 (1)	1985 c.51 s.5(1), drafting.

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(2) to (4)	1985 c.51 s.5(2) to (4).
4(1)	1972 c.70 s.182(4); 1985 c. 51 s.7(1), Sch.3 para. 3(1).
(2)	1972 c. 70 s.182(5); 1985 c. 51 Sch.3 para. 3(1); R 1.
(3)	1972 c. 70 s.182(6).
(4)	1985 c. 51 s.7(1), Sch.3 para. 2(2) (part).
5(1)	1971 c.78 ss.212(10), 280(10)(b); 1984 c.10 s.6(5); 1988 c.4 Sch.3 paras. 21, 23, 32, 48; R 2.
(2),(3)	1971 c.78 ss.273A, 280(10)(a); 1972 c.70 Sch 16 para 10(5); 1988 c.4 Sch.3 paras. 7, 23, 28.
6(1)	1980 c.65 Sch.32 para. 5(7).
(2)	1980 c.65 Sch.32 para. 15(2)(b)(i).
(3)	1980 c.65 Sch.32 para. 20(1).
(4)	1980 c.65 Sch.32 para. 25(1)(c).
(5)	1980 c.65 Sch.32 para. 25(2).
7(1) to (4)	1980 c.65 s. 149(1) to (4).
(5)	1980 c.65 s.149(11).
8(1)	1988 c.50 s.67(1).
(2)	1988 c.50 s.67(3).
9	1971 c.78 s.1(5)
10	1985 c.51 s.4(1), Sch.3 para. 2(2)(part).
11	1985 c.51 Sch.1 para. 1.
12(1)	1985 c.51 Sch.1 para. 2(1).
(2) to (4)	1985 c.51 Sch.1 para. 2(2).
(5) to (9)	1985 c.51 Sch.1 para. 2(3) to (7).
13(1), (2)	1985 c.51 Sch.1 para. 3(1).
(3), (4)	1985 c.51 Sch.1 para. 3(2).
(5) to (7)	1985 c.51 Sch.1 para. 3(3) to (5).
14	1985 c.51 Sch.1 para. 4.
15	1985 c.51 Sch.1 para. 5.
16(1) to (3)	1985 c.51 Sch.1 para. 6(1).
(4), (5)	1985 c.51 Sch.1 para. 6(2), (3).
17(1)	1985 c.51 para. 6A; 1986 c.63 Sch. 10 Pt.II para. 2.

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(2)	1985 c.51 para. 6A; 1986 c.63 Sch. 10 Pt. II para. 2.
18(1), (2)	1985 c.51 Sch.1 para. 7(1).
(3), (4)	1985 c.51 Sch.1 para. 7(2), (3).
19	1985 c.51 Sch.1 para. 8.
20	1985 c.51 Sch.1 para. 9.
21(1)	1985 c.51 Sch.1 para. 10(1).
(2)	1985 c.51 Sch.1 para. 10(2); 1986 c.63 Sch.10 Pt.II para. 3.
(3)	1985 c.51 Sch.1 para. 10(3).
22	1985 c.51 Sch. 1 para. 10A; 1986 c.63 Sch. 10 Pt. II para. 4.
23(1)	1985 c.51 Sch.1 para. 12(1), and (7) (part).
(2)	1985 c.51 Sch.1 para. 12(3).
(3), (4)	1985 c.51 Sch.1 para. 12(2).
(5), (6)	1985 c.51 Sch.1 para. 12(4).
(7), (8)	1985 c.51 Sch.1 para. 12(5), (6).
(9)	1985 c.51 Sch.1 para. 12(7)(a); 1986 c.63 Sch.11 para. 26.
(10)	1985 c.51 Sch.1 para. 12(7)(b),(7A); 1986 c.63 Sch.11 para. 26.
(11)	1985 c.51 Sch.1 para. 12(8).
24	1985 c.51 Sch.1 para. 11.
25	1985 c.51 Sch. 1 para. 13.
26(1)	1985 c.51 Sch.1 para. 14(1).
(2)	1985 c.51 Sch.1 para. 14(1); R 3.
(3), (4)	1985 c.51 Sch.1 para. 14(2), (3).
27	1985 c.51 Sch.1 para. 15.
28(1),(2)	1985 c.51 s.4(1), Sch. 3, para 2(2)(part).
(3)	1985 c.51 s.4(2), Sch.1 para. 18(1),20(2)(part) drafting.
(4)	1985 c.51 s.103(1)(part).
29	Drafting.
30(1)	1971 c.78 s.6(1)(part), (2).
(2)	1971 c.78 s.6(3).
(3)	1971 c.78 s.6(5)(part).

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(4)	1971 c.78 s.6(4).
31(1)	Drafting.
(2)	1971 c.78 s.7(1A); 1980 c.65 s.89, Sch.14 para. 2(a).
(3)	1971 c.78 s.7(6); 1980 c.65 s.89, Sch.14 para. 2(c).
(4)	1971 c.78 s.7(4); 1982 c.30. Sch 6 para 7.
(5)	1971 c.78 s.7(7)(part).
32(1), (2)	1971 c.78 s.10(1); 1980 c.65 Sch.14 para. 5.
(3) to (7)	1971 c.78 s.10(2) to (6); 1980 c.65 Sch.14 para. 5.
33(1),(2)	1971 c.78 ss.8(1),10(7); 1980 c.65 Sch.14 para. 3(a).
(3),(4)	1971 c.78 s.8(2); 1980 c.65 Sch.14 para. 3(b).
(5)	1971 c.78 s.8(3).
(6), (7)	1971 c.78 s.8(4).
(8) to (10)	1971 c.78 s.8(5) to (7).
34(1)	1971 c.78 s.10B(1); 1972 c.42 s.2; R 4.
(2)	1971 c.78 s.10B(1); 1972 c.42 s.2; R 4.
(3)	1971 c.78 s.10B(2); 1972 c.42 s.2; R 4.
(4), (5)	1971 c.78 s.10B(3); 1972 c.42 s.2; R 4.
35(1)	1971 c.78 ss.9(1),10(7).
(2)	1971 c.78 s.9(2).
(3)	1971 c.78 s.9(3); 1972 c.42 s.3(1).
(4)	1978 c.78 s.10(8)
(5)	1971 c.78 s.9(4); 1972 c.42 s.3(1).
(6), (7)	1971 c.78 s.9(5); 1972 c.42 s.3(1).
(8) to (10)	1971 c.78 s.9(6) to (8); 1972 c.42 s.3(1).
36(1) to (3)	1971 c.78 s.11(1) to (3); 1986 c.63 Sch.10.
(4) to (5)	1971 c.78 s.11(5); 1986 c.63 Sch.10.
(6), (7)	1971 c.78 s.11(6),(7); 1986 c.63 Sch.10.
37	1971 c.78 s.11A; 1986 c.63 Sch. 10 Pt. I.

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38	1971 c.78 s.11B; 1986 c.63 Sch. 10 Pt. I.
39(1)	1971 c.78 s.12(1); 1986 c.63 Sch.10.
(2), (3)	1971 c.78 s.12(2); 1986 c.63 Sch.10.
(4) to (6)	1971 c.78 s.12(3) to (5); 1986 c.63 Sch.10.
40(1) to (3)	1971 c.78 s.12A(1) to (3); 1986 c.63 Sch.10 Pt. I.
(4), (5)	1971 c.78 s.12A(4); 1986 c.63 Sch. 10 Pt. I.
41	1971 c.78 s.12B; 1986 c.63 Sch. 10 Pt. I.
42	1971 c.78 s.13; 1986 c.63 Sch. 10 Pt. I.
43	1971 c.78 s.14; 1986 c.63 Sch. 10 Pt. I.
44	1971 c.78 s.14A; 1986 c.63 Sch. 10 Pt. I.
45	1971 c.78 s.14B; 1986 c.63 Sch. 10 Pt. I.
46(1)	1971 c.78 s.11(4); 1986 c.63 Sch. 10 Pt. I.
(2) to (6)	1971 c.78 s.15; 1986 c.63 Sch. 10 Pt. I.
47(1), (2)	1971 c.78 s.15A(1); 1986 c.63 Sch.10.
(3) to (6)	1971 c.78 s.15A(2) to (5); 1986 c.63 Sch.10.
48	1971 c.78 s.15B; 1986 c.63 Sch. 10 Pt. I.
49	1971 c.78 s.16; 1980 c.66 Sch.24 para. 20(a).
50(1)	1972 c.70 Sch.16 para. 9(1); 1980 c.65 Sch.14 para. 17.
(2)	1972 c.70 Sch.16 paras. 8(3),9(2).
(3)	1972 c.70 Sch.16 paras. 8(2),9(2); 1971 c.78 s.10(7); 1982 c.30 Sch.6 para. 7(a).
(4)	1972 c.70 Sch.16 paras. 8(4), 9; R 5.
(5)	1971 c.78 s.10B(1); 1972 (c.42) s.2.
(6)	1972 c.70 Sch.16 para. 10; 1986 c.63 Sch.11 para. 23.
(7)	1972 c.70 Sch.16 para. 11; 1986 c.63 Sch.11 para. 23.



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(8)	1972 c.70 Sch.16 para. 12; 1986 c.63 Sch.11 para. 23.
(9)	1972 c.70 Sch.16 para. 13; R 6.
51(1)	1971 c.78 s.17(1); 1972 c.70 Sch.16 paras.4, 52.
(2), (3)	1971 c.78 s.17(2), (3).
(4)	1971 c.78 s.17(4), (5).
52(1), (2)	1980 c.65 Sch.32 para. 23(1), (2).
(3)	1980 c.65 Sch.32 para. 23(4).
53(1)(2)	1971 c.78 s.18(1), 1986 c.63 Sch.11 para. 15; 1972 c.70 Sch.16 paras.5, 52.
(3) to (5)	1971 c.78 s.18(2) to (4).
54(1)	1971 c.78 s.20(1); 1980 c.66 Sch.24 para. 20.
(2) to (5)	1971 c.78 s.20(3) to (5).
55(1)	1971 c.78 s.22(1).
(2)	1971 c.78 s.22(2); 1986 c.63 Sch. 11 para. 1.
(3)	1971 c.78 s.22(3).
(4)	1971 c.78 s.22(3A); 1981 c.36 s.1(1).
(5)	1971 c.78 s.22(4).
(6)	1971 c.78 s.22(5).
56(1)	1971 c.78 s.290(5).
(2), (3)	1971 c.78 ss. 24C(4), 24D(6), 24E(4), 43(1), 44(1); 1980 c.65 Sch.32 para. 26(1A); 1986 c.63 ss.25(1), 54 (2).
(4)	1971 c.78 s.43(2).
(5)	1971 c.78 s.43(3) (part).
(6)	1971 c.78 s.43(3) (part).
57(1)	1971 c.78 s.23(1).
(2)	1971 c.78 s.23(5).
(3)	1971 c.78 s.23(8) (part).
(4)	1971 c.78 s.23(9); 1982 c.30 s.47(1), Sch. 6 para. 7.
(5)	1971 c.78 s.23(6), (8) (part).
(6)	1971 c.78 s.23(10).
(7)	1971 c.78 s.23(1).

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58	1971 c.78 ss.24(1), (2), 24A(2), 40; 1980 c.65 Sch.32 para. 17.
59(1)	1971 c.78 s.24(1).
(2)	1971 c.78 s.24(2).
(3)	1971 c.78 s.24(3) (part); 1986 c.63 Sch. 11 para. 2.
60(1)	1971 c.78 s.24(4).
(2), (3)	1971 c.78 s.24(5).
(4)	1971 c.78 s.24(6).
61(1)	1971 c.78 s.24(3)(a); 1986 c.63 Sch. 11 para. 2.
(2)	1971 c.78 s.24(7).
(3)	1971 c.78 s.24(8); 1980 c.66 Sch. 24 para. 20(c).
62	1971 c.78 s.25
63(1), (2)	1971 c.78 s.32(1).
(3)	1971 c.78 s.32(2)(part).
(4)	1971 c.78 s.32(3).
(5)	1971 c.78 s.32(2).
64(1)	1971 c.78 s.53(1) (part), (2)(part); 1980 c.65 Sch. 32 para. 18(3); 1986 c.63 Sch. 6 Pt II para. 3.
(2)	1971 c.78 s.53(1) (part).
(3)	1971 c.78 s.53(2).
65(1) to (4)	1971 c.78 s.26(1) to (4).
(5), (6)	1971 c.78 s.26(5).
(7), (8)	1971 c.78 s.26(6).
(9)	1971 c.78 s.26(7).
66(1)	1971 c.78 s.27(1)(a), (b), (c), (d); 1980 c.65 Sch. 15 para. 2.
(2), (3)	1971 c.78 s.27(2).
(4), (5)	1971 c.78 s.27(3).
(6)	1971 c.78 s.27(4).
(7)	1971 c.78 s.27(7); 1978 c.30 s.17; 1980 c.65 Sch. 15 para. 3.
67(1)	Drafting.
(2)	1971 c.78 s.27(1A); 1981 c.36 s.4(2).

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|----------|--|
| (3)      | 1971 c.78 s.27(1), (part)(1A); 1981 c.36 s.4(1).               |
| (4)      | 1971 c.78 s.27(1B); 1981 c.36 s.4(2).                          |
| (5), (6) | 1971 c.78 s.27(2) (part).                                      |
| (7)      | 1971 c.78 s.27(2A); 1981 c.36 s.4(4).                          |
| (8), (9) | 1971 c.78 s.27(2B); 1981 c.36 s.4(4).                          |
| (10)     | 1971 c.78 s.27(2C); 1981 c.36 s.4(4).                          |
| (11)     | 1971 c.78 s.27(2) to (4); drafting; R 7.                       |
| 68(1)    | 1971 c.78 ss.26(8)(part), 27(5)(part).                         |
| (2)      | 1971 c.78 s.26(8) (part), s.27(5) (part); 1982 c.48 ss.38, 46. |
| (3)      | 1971 c.78 ss.26(9), 27(6) (part).                              |
| (4)      | 1971 c.78 s.27(6) (part).                                      |
| 69(1)    | 1971 c.78 s.34(1) (part).                                      |
| (2)      | 1971 c.78 s.34(1) (part); 1986 c.63 Sch. 6, Pt II para. 1.     |
| (3)      | 1971 c.78 s.34(2) (part).                                      |
| (4)      | 1971 c.78 s.34(2) (part).                                      |
| (5)      | 1971 c.78 s.34(3).   |
| 70(1)    | 1971 c.78 s.29(1) (part); 1986 c.63 Sch. 11 Pt I para. 16.     |
| (2)      | 1971 c.78 s.29(1) (part).                                      |
| (3)      | 1971 c.78 s.29(1) (part), drafting.                            |
| 71(1)    | 1971 c.78 s.29(2).   |
| (2)      | 1971 c.78 s.29(3); R 7.  |
| (3)      | 1971 c.78 s.29(5).   |
| (4)      | 1971 c.78 s.29(6).   |
| 72(1)    | 1971 c.78 s.30(1).   |
| (2)      | 1971 c.78 s.30(2).   |
| (3)      | 1971 c.78 s.30(3) (part).                                      |
| (4)      | 1971 c.78 s.30(3)(part); 1981 c.36 Sch.1 para. 1.              |
| (5)      | Drafting; 1971 c.78 s.30(2)(part); 1981 c.36 Sch.1 para. 1.    |
| 73(1)    | 1971 c.78 s.31A(1); 1986 c.63 Sch.11 para. 4.                  |
| (2)      | 1971 c.78 s.31A(3); 1986 c.63 Sch.11 para. 4.                  |

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(3)	1971 c.78 s.31A(2); 1986 c.63 Sch.11 para. 4.
(4)	1971 c.78 S.31A(4); 1986 c.63 Sch.11 para. 4.
74(1)	1971 c.78. s.31(1) (part); 1972 c.70 Sch. 16 para. 22; 1980 c.65 Sch. 15 para. 4(1).
(2)	1971 c.78 s.31(1) (part).
75(1)	1971 c.78 s.33(1).
(2), (3)	1971 c.78 s.33(2).
76(1)	1971 c.78 ss.29A(1) (part), 29B(1) (part); 1981 c.43 s.3; 1988 c.40 Sch.12 para. 70.
(2)	1971 c.78 ss.29A(1) (part), (2); 29B(1) (part); 1981 c.43 s.3; 1986 c.63 Sch.11 para. 3, Sch. 12 Pt. III.
(3)	1971 c.78 s.29B(1A); 1988 c.40 Sch.12 para. 70.
77(1) to (3)	1971 c.78 s.35(1) to (3).
(4)	1971 c.78 s.35(4)(part); 1981 c.36 Sch.1 para. 2; 1986 c.63 Sch.11 para. 17.
(5), (6)	1971 c.78 s.35(5).
(7)	1971 c.78 s.35(6).
78(1)	1971 c.78 s.36(1); 1980 c.65 Sch. 15 para. 4(2).
(2)	1971 c.78 s.37 (part); 1980 c.65 Sch. 15 para. 4(3).
(3)	1971 c.78 s.36(2) (part).
(4)	1971 c.78 ss.36(2) (part), 37 (part).
(5)	1971 c.78 s.37 (part); R 8(a), (c), (d).
79(1)	1971 c.78 ss.36(3), 37.
(2), (3)	1971 c.78 s.36(4).
(4)	1971 c.78 s.36(5); 1981 c.36 Sch. 1 para. 3; 1986 c.63 Sch.11 para. 17.
(5)	1971 c.78 s.36(6).
(6)	1971 c.78 s.36(7); 1986 c.63 Sch. 11 para. 18.
(7)	1971 c.78 s.36(8).
80(1), (2)	1971 c.78 s.38(1), (2).

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(3)	1971 c.78 s.38(4).
(4)	1971 c.78 s.38(3).
81(1), (2)	1971 c.78 s.39(1).
(3), (4)	1971 c.78 s.39(2), (3).
82	1971 c.78 s.24A(1) to (3); 1986 c.63 s.25(1).
83(1)	1971 c.78 s.24A(4)(a); 1986 c.63 s.25(1).
(2)	1971 c.78 s.24A(4)(b); 1971 c.78 Sch.8A para. 2(1); 1986 c.63 s.25(1).
(3)	1971 c.78 s.24A(5); 1986 c.63 s.25(1).
84(1), (2)	1971 c.78 s.24B(1); 1986 c.63 s.25(1).
(3), (4)	1971 c.78 s.24B(2) (part); 1986 c.63 s.25(1).
85	1971 c.78 s.24C(1), (2); 1986 c.63 s.25(1).
86(1) to (5)	1971 c.78 s.24D(1) to (5); 1986 c.63 s.25(1).
(6)	1971 c.78 s.24D(6) (part); 1986 c.63 s.25(1).
87(1)	1971 c.78 s.24E(1); 1986 c.63 s.25(1); 1988 c.4 Sch.3 para. 10.
(2), (3)	1971 c.78 s.24E(2), (3); 1986 c.63 s.25(1).
(4)	1971 c.78 s.24E(4) (part); 1986 c.63 s.25(1).
88(1)	1980 c.65 Sch.32 paras. 5(4)(a), 17(1).
(2)	1980 c.65 Sch.32 paras. 11(3), 17(2).
(3) to (6)	1980 c.65 Sch.32 para. 17(3) to (6).
(7)	1980 c.65 Sch.32 para. 25(1)(a), (b).
(8)	1980 c.65 Sch.32 para. 25(2).
(9), (10)	1980 c.65 Sch.32 para. 17(7), (8).
89(1)	1980 c.65 Sch.32 para. 21; 1986 c.63 s.54(1).
(2)	1980 c.65 Sch.32 para. 22(1); 1986 c.63 s.54(1).
90(1)	1971 c.78 s.40(1)
(2)	1989 c.29 Sch. 8 para. 7(1).

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(3)	1971 c.78 s.40(2); 1989 c.29 Sch. 8 para. 7(3).
(4)	1971 c.78 s.40(3)
(5)	1989 c.29 Sch. 8 para. 7(4).
91(1), (2)	1971 c.78 s.41(1).
(3)	1971 c.78 s.41(2).
(4)	1971 c.78 s.41(3); 1980 c.65 Sch.32 para. 18(2); 1981 c.36 s.6; 1986 c.63 Sch.6 Pt II para. 2.
92	1971 c.78 s.42
93	1971 c.78 s.43(4) to (7); 1989 c.29 Sch. 8 para 7(3).
94(1)	1971 c.78 ss.44(1), 24C(3); 1980 c.65 Sch. 32 para. 22(2); 1986 c.63 ss.25, 54(1).
(2), (3)	1971 c.78 s.44(2).
(4)	1971 c.78 s.44(3)(a).
(5), (6)	1971 c.78 s.44(6).
95(1), (2)	1971 c.78 s.44(3)(b).
(3)	1971 c.78 s.44(4).
(4), (5)	1971 c.78 s.44(5).
96(1), (2)	1971 c.78 s.276(5); 1981 c.41 Sch. para. 24.
(3)	1971 c.78 s.276(5) (part); 1981 c.41 Sch. para. 24.
97(1), (2)	1971 c.78 s.45(1).
(3)	1971 c.78 s.45(4) (part).
(4)	1971 c.78 s.45(4) (proviso).
(5)	1971 c.78 s.45(5); 1981 c.36 s.8.
98(1)	1971 c.78 s.45(2) (part).
(2) to (5)	1971 c.78 s.45(3).
(6)	1971 c.78 s.45(2) (part).
99(1)	1971 c.78 s.46(1); 1974 c.7 Sch.6 para. 25(3), Sch.8.
(2)	1971 c.78 s.46(1)(part), (2)(part).
(3)	1971 c.78 s.46(3); 1974 c.7 Sch.8.
(4)	1971 c.78 s.46(2)(a)(part).
(5)	1971 c.78 s.46(2)(b)(part).

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(6) to (8)	1971 c.78 s.46(4) to (6).
100(1) to (3)	1971 c.78 s.276(1); 1974 c.7 Sch. 6 para. 25(12), Sch. 8.
(4) to (6)	1971 c.78 s.276(4).
(7)	1971 c.78 s.276(2), (3).
(8)	1971 c.78 s.45(5); R 9.
101(1)	1971 c.78 ss.47(1), 48(1) (part).
(2)	1971 c.78 s.48(1).
(3)	1971 c.78 s.48(2).
(4)	1971 c.78 s.48(8); drafting.
(5)	1971 c.78 s.47(6) (part).
102(1)	1971 c.78 s.51(1).
(2), (3)	1971 c.78 s.51(2).
(4)	1971 c.78 s.51(3) (part).
(5)	1971 c.78 s.51(3) (part) and s.32(3).
(6)	1971 c.78 s.51(8).
(7)	1971 c.78 s.51(9).
(8)	1971 c.78 s.51(1A); 1981 c.36 s.9; drafting.
103(1)	1971 c.78 s.51(4).
(2)	1971 c.78 s.51(5).
(3) to (6)	1971 c.78 s.51(6).
(7)	1971 c.78 s.51(7).
(8)	1971 c.78 s.51(9).
104(1)	1971 c.78 s.276(1) (part), (2) (part).
(2), (3)	1971 c.78 s.276(1) (part).
(4) to (7)	1971 c.78 s.276(4) (part).
(8)	1971 c.78 s.276(2),(3).
105(1)	1971 c.78 s.264A(1); 1981 c.36 s.3.
(2)	1971 c.78 s.264A(2); 1981 c.36 s.3.
106(1)	1971 c.78 s.52(1) (part).
(2)	1971 c.78 s.52(1) (part).
(3), (4)	1971 c.78 s.52(2), (3).
107(1)	1971 c.78 s.164(1); 1974 c.7, Sch. 6 para. 25(11), Sch. 8; 1981 c.36 ss.12, 34, Sch. 1 para. 4.

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(2) to (5)	1971 c.78 s.164(2) to (5).
108(1)	1971 c.78 s.165(1),(2) (part).
(2)	1971 c.78 s.165(1A).
(3)	1971 c.78 s.165(3); 1985 c.19 s.1(1).
109(1)	1971 c.78 s.166(1).
(2)	1971 c.78 ss.165(2) (part), 166(2).
(3), (4)	1971 c.78 ss.156(2),(3), 166(3).
(5)	1971 c.78 s.166(4).
(6)	1971 c.78 ss.165(2), 166(6).
110(1)	1971 c.78 s.166(5).
(2)	1971 c.78 ss.158(4) (part), 166(5); 1972 c.70 s. 179(3).
(3)	1971 c.78 ss.158(4) (part), 165(2) (part), 166(5).
(4)	1971 c.78 ss.158(5), 166(5).
(5)	1971 c.78 ss.158(6), 166(5).
111(1)	1971 c.78 ss.159(1), 168(1).
(2)	1971 c.78 ss.159(2), 168(1).
(3)	1971 c.78 ss.159(3), 168(1).
(4)	1971 c.78 ss.165(2), 168(1),(proviso).
(5)	1971 c.78 s.168(4).
112(1)	1971 c.78 ss.160(1), 168(1).
(2), (3)	1971 c.78 ss.160(2), 168(1).
(4)	1971 c.78 ss.160(3), 168(1).
(5)	1971 c.78 ss.160(4), 168(1).
(6)	1971 c.78 ss.160(5)(a), 168(1).
(7)	1971 c.78 ss.160(5)(a) (part), 168(1).
(8)	1971 c.78 ss.160(5)(b), 168(1).
(9), (10)	1971 c.78 ss.160(6), 168(1).
(11)	1971 c.78 s.168(2).
(12)	1971 c.78 s.168(3).
(13)	1971 c.78 s.168(3),(proviso).
113	1971 c.78 ss. 165(2), 167.
114(1) to (3)	1971 c.78 s.169(1) to (3).
(4), (5)	1971 c.78 s.169(4) (part).



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(6)	1971 c.78 s.169(6),(6A); 1985 c.19 s.1(2).
(7), (8)	1971 c.78 s.169(7),(8).
115(1)	1971 c.78 s.170(1); 1981 c.36 s.34, Sch. 1 para. 5.
(2)	1971 c.78 s.170(2); 1981 c.36 s.14.
(3), (4)	1971 c.78 s.170(3),(4).
(5)	1971 c.78 ss.170(1)(part), 170A (part); 1981 c.36 s.15, Sch. 1 para. 5; R 10.
(6)	1971 c.78 ss.170(1), 170A (part); 1981 c.36 s.15; R 10.
116	Drafting.
117(1)	1971 c.78 s.178(1).
(2)	1971 c.78 s.178(2); 1981 c.36 Sch. 1 para. 6.
(3)	1971 c.78 s.178(3).
118(1)	1971 c.78 s.179(1) (part).
(2)	1971 c.78 s.179(2) (part).
119(1)	1971 c.78 s.134(1), (2).
(2)	Drafting.
(3)	1971 c.78 s.134(3).
(4)	1971 c.78 s.134(4); 1972 c.70 Sch. 16 para. 33.
120	1971 c.78 s.146.
121(1)	1971 c.78 s.147(1).
(2), (3)	1971 c.78 s.147(2).
(4)	1971 c.78 s.147(3).
(5)	1971 c.78 s.147(4) (part).
(6)	1971 c.78 s.147(4),(proviso); 1973 c.37 Sch. 8 para. 94.
(7)	1971 c.78 s.147(5).
(8)	1971 c.78 s.147(6).
122(1)	1971 c.78 s.148(1).
(2)	1971 c.78 s.148(1),(proviso).
(3)	1971 c.78 s.148(2).
(4)	1971 c.78 s.148(3).
123(1),(2)	1971 c.78 s.149(1),(2); 1987 c.3 s.1.

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(3), (4)	1971 c.78 s.149(3); 1987 c.3 s.1.
(5)	1971 c.78 s.149(4); 1987 c.3 s.1.
124	1971 c.78 s.150.
125	1971 c.78 s.152.
126	1971 c.78 s.153.
127(1),(2)	1971 c.78 s.154(1),(2)(part).
(3)	1971 c.78 s.154(2),(proviso).
(4)	1971 c.78 s.154(3).
(5), (6)	1971 c.78 s.154(4).
(7), (8)	1971 c.78 s.154(5).
128	1971 c.78 s.155.
129	1971 c.78 s.156.
130	1971 c.78 s.157.
131	1971 c.78 s.158(1) to (3).
132(1),(2)	1971 c.78 s.158(4); 1972 c.70 s. 179(3), Sch. 30.
(3)	1971 c.78 s.158(5); 1975 c.76 Sch. 1.
(4)	1971 c.78 s.158(6).
133	1971 c.78 s.159.
134(1)	1971 c.78 s.160(1).
(2),(3)	1971 c.78 s.160(2).
(4),(5)	1971 c.78 s.160(3),(4).
(6) to (8)	1971 c.78 s.160(5).
(9),(10)	1971 c.78 s.160(6).
135	1971 c.78 s.162; R 11.
136(1)	1971 c.78 s.163(1) (part).
(2)	1971 c.78 s.163(1),(proviso).
(3)	1971 c.78 s.163(2).
137(1)(a)	1971 c.78 s.180(1), (part).
(b)	1971 c.78 s.188(1), (part).
(c)	1971 c.78 s.189(1), (part).
(2)(a)	1971 c.78 ss.180(1)(part),(7), 188(1)(part),(2)(part); 1972 c.70 s. 179(3), Sch.30.
(b)	1971 c.78 s.189(1)(part),(2)(part); 1972 c.70 s. 179(3), Sch.30.

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(3)	1971 c.78 ss.180(1)(part), 188(1)(part).
(4)	1971 c.78 s.189(1)(part).
(5)	1971 c.78 s.180(4); 1986 c.63 Sch.12 Pt.III.
(6)	1971 c.78 s.180(5); R 12.
(7)	1971 c.78 s.180(6); R 12, R 41.
(8)	1971 c.78 s.189(5).
138(1)	1971 c.78 ss.180(2) (part), 188(2) (part), 189(2) (part).
(2)	1971 c.78 ss.180(2) (part), 188(3) (part), 189(3) (part), 198(3) (part).
139(1)	1971 c.78 ss.181(1) (part), 188(2) (part), 189(2) (part); 1986 c.63 Sch.11 para. 5(1)(a).
(2)	1971 c.78 s.181(1) (part), s.188(2) (part); s.189(2) (part).
(3)	1971 c.78 s.181(2), s.188(2) (part) s.189(2) (part).
(4)	1971 c.78 s.181(3), s.188(2) (part); s.189(2) (part), 1986 c.63 Sch. 11 para. 5(1)(b).
(5)	1971 c.78 s.208.
140(1)	1971 c.78 ss.182(1), 188(2) (part), 189(2) (part).
(2)	1971 c.78 s.182(2), s.188(2) (part), s.189(2) (part); 1972 c.70 Sch. 16 paras. 37, 52.
(3),(4)	1971 c.78 s.182(3), s.188(2) (part), s.189(2) (part).
(5)	1971 c.78 s.182(4), s.188(2) (part), s.189(2) (part).
141(1)	1971 c.78 ss.183(1), 188(2) (part), 189(2) (part), (3) (part); R 13(a).
(2)	1971 c.78 ss.183(2), 188(2) (part), (3) (part), 189(2) (part), (3) (part).
(3) to (5)	1971 c.78 s.183(3) to (5), s.188(2) (part), s.189(2) (part).
142(1)	1971 c.78 ss.184(1), 188(2) (part), 189(2) (part); 1986 c.63 Sch. 11 para. 6(a); R 13(b).
(2)	1971 c.78 s.184(2).

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(3)	1971 c.78 s.184(3); 1986 c.63 Sch. 11 para. 6(b).
143(1)	1971 c.78 ss.186(1), 188(2) (part), 189(2) (part).
(2),(3)	1971 c.78 ss.186(2),(3), 188(2) (part), 189(2) (part).
(4)	1971 c.78 ss.186(3A), 188(2) (part), 189(2) (part); 1986 c.63 Sch.11 para. 7(1).
(5),(6)	1971 c.78 ss.186(4), 188(2) (part), 189(2) (part).
(7)	1971 c.78 ss.186(5), 188(2) (part), 189(2) (part).
(8)	1971 c.78 s.208.
144(1)	1971 c.78 ss.187(1), 188(2) (part), 189(2) (part).
(2)	1971 c.78 s.187(2), s.188(2) (part), s.189(2) (part).
(3),(4)	1971 c.78 ss.187(3), 188(2) (part), 189(2) (part).
(5),(6)	1971 c.78 ss.187(4),(5), 188(2) (part), 189(2) (part).
(7)	1971 c.78 s.189(4).
145(1),(2)	1973 c.26 s.53(1), (5).
(3),(4)	1973 c.26 s.53(3),(4); 1981 c. 66 Sch. 3 para. 1.
(5)	1973 c.26 s.53(2)
(6)	1973 c.26 s.53(1),(2).
(7)	1973 c.26 s.53(6).
146(1),(2)	1973 c.26 s.54(1).
(3)	1973 c.26 s.54(2).
(4),(5)	1973 c.26 s.54(3).
(6),(7)	1973 c.26 s.54(4),(5).
(8),(9)	1973 c.26 s.54(6).
(10),(11)	1973 c.26 s.54(7),(8).
147(1)	1973 c.26 s.84(2).
(2)	1973 c.26 s.87(1).
148(1)	1971 c.78 ss.181(4), 186(6), 191A; 1984 c.12 Sch. 4 para. 53(5).

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(2)	R 13(c).
149(1)	1971 c.78 s.192(1) (part), drafting.
(2)	1971 c.78 s.192(3),(4)(part),(5)(part).
(3)	1971 c.78 s.192(4) (part); 190 SI/465.
(4)	1971 c.78 s.192(4) (part), (5) (part).
(5)	1971 c.78 s.192(6); 1973 c.26 s.82(2).
150(1)	1971 c.78 s.193(1); 1973 c.26 s.77.
(2),(3)	1971 c.78 s.193(2).
(4)	1971 c.78 s.193(4)
151(1),(2)	1971 c.78 s.194(1)
(3)	1971 c.78 s.194(5) (part).
(4)	1971 c.78 s.194(2); 1980 c.65 Sch.15 paras. 18,19; 1985 c.51 Sch.1 para. 16(2).
(5)	1971 c.78 s.194(4); 1973 c.26 s.75(3) (a).
(6)	1971 c.78 s.194(3).
(7)	1973 c.26 s.76(2).
(8)	1971 c.78 s.194(6); 1973 c.26 s.75(3) (b).
152(1)	1973 c.26 ss.68(6)(part), 69(3); 1985 c.51 Sch. 1 para. 17(4).
(2)	1973 c.26 s.68(6)(part).
153(1),(2)	1971 c.78 s.195(1).
(3) to (7)	1971 c.78 s.195(2) to (6).
(8)	1973 c.26 s.68(6) (part).
154(1),(2)	1971 c.78 s.196(1).
(3)	1971 c.78 s.196(2).
(4),(5)	1971 c.78 s.196(3).
(6)	1971 c.78 s.196(4).
155	1971 c.78 s.199.
156(1),(2)	1971 c.78 s.198(1).
(3),(4)	1971 c.78 s.198(2),(3).
157(1),(2)	1971 c.78 s.197; 1981 c.67 Sch.4 para. 1; 1985 c.71 Sch.2 para. 22.
(3),(4)	1973 c.26 s.81(6),(7)(part).
158(1),(2)	1973 c.26 s.79(1).

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(3)	1973 c.26 s.79(2).
159(1)	1973 c.26 s.80(1).
(2),(3)	1973 c.26 s.80(2).
(4) to (8)	1973 c.26 s.80(3) to (7).
160(1) to (5)	1973 c.26 s.81(1) to (5).
(6)	1973 c.26 s.81(7).
161(1)	1971 c.78 s.200; 1973 c.26 s.81(8); R 14.
(2)	1973 c.26 s.78(1).
(3) to (4)	1973 c.26 s.78(2).
(5)	1973 c.26 s.78(3).
162(1)	1971 c.78 s.201(1); 1973 c.26 s.77(1), (2).
(2),(3)	1971 c.78 s.201(2).
(4)	1971 c.78 s.201(3).
(5)	1971 c.78 s.201(6).
163(1)	1971 c.78 s.201(4); 1973 c.26 s.78(4).
(2)	1971 c.78 s.201(5); 1973 c.26 s.78(4).
164	1971 c.78 s.204.
165(1),(2)	1973 c.26 s.72(4); 1980 c.65 s.147(4).
(3)	1973 c.26 s.72(5); 1980 c.65 s.147(5); 1981 c.64 Sch.12 para. 11.
166(1)	1971 c.78 s.202(1),(2) (part).
(2)	1971 c.78 s.202(2) (part).
167	1971 c.78 s.208.
168	1971 c.78 s.203.
169(1) to (3)	1971 c.78 s.205; 1984 c.12 Sch.4 para. 53(6).
(4)	1973 c.26 s.72(3) (part); 1980 c.65 s.147(3) (part).
(5)	1973 c.26 s.76(3) (part).
170(1)	1971 c.78 s.206(1).
(2)	1971 c.78 s.206(2); 1985 c.51 Sch.1 para 17(6) (part).
(3)	1973 c.26 s.68(10) (part); 1985 c.51 Sch.1 para. 17(6) (part).
(4)	1973 c.26 s.71(3).

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(5)	1973 c.26 s.72(3) (part); 1980 c.65 s.147(3) (part).
(6)	1973 c.26 s.73(3); 1985 c.71 Sch.2 para. 24(8).
(7)	1973 c.26 s.76(3) (part); 1980 c.66 Sch.24 para. 23.
(8)	1973 c.26 s.70(3).
(9)	1971 c.78 s.206(3).
(10)	1971 c.78 s.206(4); 1980 c.66 Sch.24 para. 20.
(11),(12)	1971 c.78 s.206(5),(6).
171	1971 c.78 s.207; 1973 c.26 ss.82(5), 87(1); 1990 SI/465.
172(1) to (4)	1971 c.78 s.87(1) to (4); 1981 c.41 Sch. para. 1.
(5)	1971 c.78 s.87(13).
(6)	1971 c.78 s.87(5).
(7)	1971 c.78 s.87(14).
(8)	1971 c.78 s.87(15).
173(1)	1971 c.78 s.87(6).
(2)	1971 c.78 s.87(7).
(3)	1971 c.78 s.87(9).
(4)	1971 c.78 s.87(10).
(5)	1971 c.78 s.87(8).
(6)	1971 c.78 s.87(11).
(7)	1971 c.78 s.87(12).
(8)	1971 c.78 s.87(16).
174(1)	1971 c.78 s.88(1); 1981 c.41 Sch. para. 1; 1984 c.10 s.4(2).
(2) to (4)	1971 c.78 s.88(2) to (4), (5)(a).
(5)	1971 c.78 s.88(9).
(6)	1984 c.10 s.4(2).
175(1)	1971 c.78 s.88(5)(b) to (e).
(2)	1971 c.78 s.88(5)(d).
(3)	1971 c.78 s.88(7).
(4)	1971 c.78 s.88(10).
(5)	1971 c.78 s.110(2).

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(6)	1971 c.78 s.88(11).
176(1),(2)	1971 c.78 s.88A(1),(2); 1981 c.41 Sch.para. 1.
(3)	1971 c.78 s.88(6); 1981 c.41 Sch.para. 1.
(4)	1971 c.78 s.88(8); 1981 c.41 Sch.para. 1.
(5)	1971 c.78 s.88A(3); 1981 c.41 Sch.para. 1.
177(1)	1971 c.78 s.88B(1); 1981 c.41 Sch para 1.
(2)	1971 c.78 s.88B(2).
(3)	1971 c.78 s.88B(2); R 15.
(4)	1971 c.78 s.88B(2).
(5) to (8)	1971 c.78 s.88B(3).
178(1),(2)	1971 c.78 s.91(1),(2); 1981 c.41 Sch.para. 4.
(3)	1971 c.78 s.91(3),(4); 1974 c.7 Sch.8.
(4)	1971 c.78 s.91(3).
(5)	1971 c.78 s.91(5).
(6)	1971 c.78 s.111.
(7)	1971 c.78 ss.89(6),90(10),91(1); drafting.
179(1)	1971 c.78 s.89(1); 1981 c.41 Sch.para. 2(1).
(2)	1971 c.78 s.89(1); 1980 c.43 s.32(2); 1982 c.48 ss.46,74.
(3)	1971 c.78 s.89(2).
(4)	1971 c.78 s.89(3).
(5)	1971 c.78 s.89(4); 1986 c.63 Sch.11 para. 13.
(6)	1971 c.78 s.89(5).
(7), (8)	1971 c.78 s.89(5); 1980 c.43 s.32(2); 1982 c.48 ss.46,74; 1986 c.63 Sch.11 para. 13.
180(1)	1971 c.78 s.92(1); 1981 c.41 Sch.para. 5
(2),(3)	1971 c.78 s.92(2),(3).
181(1)	1971 c.78 s.93(1); 1981 c.41 Sch.para. 7(1).



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(2) to (4)	1971 c.78 s.93(2) to (4).
(5)	1971 c.78 s.93(5); 1981 c.41 Sch.para. 7(2); 1982 c.48 s.46.
182(1) to (3)	1971 c.78 s.276(5A); 1981 c.41 Sch.para. 24.
(4)	1971 c.78 s.276(5B)(part); 1981 c.41 Sch.para. 24; R 16.
183(1),(2)	1971 c.78 s.90(1); 1981 c.41 Sch.para. 3; 1977 c.29 s.1.
(3) to (5)	1971 c.78 s.90(2); 1977 c.29 s.1.
(6)	1971 c.78 s.90(5)(part); 1977 c.29 s.1.
(7)	1971 c.78 s.90(6)(part); 1977 c.29 s.1.
184(1)	1971 c.78 s.90(1)(part); 1977 c.29 s.1.
(2),(3)	1971 c.78 s.90(3); 1977 c.29 s.1.
(4),(5)	1971 c.78 s.90(4); 1977 c.29 s.1.
(6)	1971 c.78 s.90(5)(part); 1977 c.29 s.1.
(7)	1971 c.78 s.90(6)(part); 1977 c.29 s.1.
(8)	1971 c.78 s.90(9); 1977 c.29 s.1.
185	1971 c.78 s.276(5); 1981 c.41 Sch.para. 24.
186(1) to (5)	1971 c.78 s.177; 1977 c.29 s.2.
(6),(7)	1971 c.78 s.179.
187(1)	1971 c.78 s.90(7).
(2)	1971 c.78 s.90(7); 1986 c.63 Sch.11 para. 13
(3)	1971 c.78 s.90(8).
188(1)	1971 c.78 s.92A(1); 1981 c.41 Sch.para. 6; 1985 c.51 s.3(4).
(2)	1971 c.78 s.92A(3); 1981 c.41 Sch.para. 6; 1985 c.51 Sch.17.
(3)	1971 c.78 s.92A(4); 1981 c.41 Sch.para. 6.
189(1) to (3)	1971 c.78 s.108(1) to (3); 1981 c.36 s.11.
(4),(5)	1971 c.78 s.108(6),(7); 1981 c.36 s.11.
190(1)	1971 c.78 s.108(4)(part); 1981 c.36 s.11.
(2)	1971 c.78 s.108(4)(part),(5)(part); 1981 c.36 s.11.

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(3)	1971 c.78 s.108(4) (part); 1981 c.36 s.11.
(4)	1971 c.78 s.111; R 17.
(5)	1971 c.78 s.108(4)(part); 1981 c.36 s.11.
191	1971 c.78 s.94(1)
192(1) to (3)	1971 c.78 s.94(2).
(4)	1971 c.78 s.94(7); 1981 c.41 Sch.para. 8.
(5)	1971 c.78 s.95(1)(part).
(6)	1971 c.78 Sch.14 para. 6(part).
193(1)	1971 c.78 s.94(6); 1971 c.78 Sch.14 para. 1.
(2),(3)	1971 c.78 Sch.14 para. 3(1).
(4)	1971 c.78 Sch.14 para. 3(2); R 18.
(5)	1971 c.78 Sch.14 para. 3(2)(part); 1982 c.48 ss.46,74.
(6)	1971 c.78 s.94(8).
(7)	1971 c.78 s.94(8)(part); 1980 c.43 s.32;1982 c.48 ss.46,74.
194(1)	1971 c.78 ss.94(4), 95(1) (part).
(2)	1971 c.78 s.94(3).
(3)	1971 c.78 Sch.14 para. 4(a),(b).
(4)	1971 c.78 Sch.14 para. 4(c).
(5),(6)	1971 c.78 Sch.14 para. 2.
195(1)	1971 c.78 ss.94(5),95(2).
(2)	1971 c.78 s.95(2).
(3)	1971 c.78 s.95(2)(b).
(4)	1971 c.78 s.94(8); Sch.14 para 3(1).
(5)	R 8(a).
(6)	1971 c.78 s.95(7).
196(1)	1971 c.78 s.95(4).
(2)	1971 c.78 Sch.14 para. 5.
(3)	1971 c.78 s.95(5).
(4)	1971 c.78 Sch.14 para. 6(part).
(5)	1971 c.78 s.95(3).
(6),(7)	1971 c.78 s.95(6).

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197	1971 c.78 s.59.
198(1)	1971 c.78 s.60(1); 1980 c.65 Sch.15 para. 13(1)(a), (2).
(2)	1971 c.78 s.60(1)
(3)	1971 c.78 s.60(1); 1974 c.32 s.10(1).
(4)	1971 c.78 ss.60(2), 191(1).
(5)	1971 c.78 s.60(3).
(6)	1971 c.78 s.60(6); 1974 c.32 s.10(2)(a).
(7)	1971 c.78 s.60(10); 1986 c.63 Sch.12 Pt II.
199(1)	1971 c.78 s.60(4); 1980 c.65 Sch.15 para. 13(1)(c).
(2)	1971 c.78 s.60(5).
(3)	1971 c.78 s.60(5); 1980 c.65 Sch.15 para. 13(1)(d), (2), Sch.34 Pt X.
200(1)	1971 c.78 s.60(7).
(2)	1971 c.78 s.60(7); 1978 c.30 s.17(2)(a).
(3)	1971 c.78 s.60(8); 1978 c.30 s.17(2)(a).
(4)	1971 c.78 s.60(7),(9); 1978 c.30 s.17(2)(a).
201(1)	1971 c.78 s.61(1).
(2)	1971 c.78 s.61(2); 1980 c.65 Sch.15 para. 14, Sch.34 Pt X.
202(1),(2)	1971 c.78 s.276(1),(2)(c); 1974 c.7 s.35, Sch.6 para. 25(12).
(3)	1971 c.78 s.276(3).
203	1971 c.78 s.174.
204(1)(a)	1971 c.78 s.175(1).
(b)	1971 c.78 s.175(2); 1978 c.30 s.17(2)(a).
(2) to (4)	1971 c.78 s.175(2) to (4).
205	1971 c.78 s.179.
206(1),(2)	1971 c.78 s.62(1); 1974 c.32 s.10(2)(b); 1985 c.52 s.1(2).
(3)	1971 c.78 s.62(1A); 1985 c.51 s.1(3).
(4)	1971 c.78 s.62(2).
(5)	1971 c.78 s.62(3)(part).
207(1),(2)	1971 c.78 s.103(1).

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(3),(4)	1971 c.78 s.103(2).
(5)	1971 c.78 s.62(3)(part).
208(1),(2)	1971 c.78 s.103(3); 1981 c.41 Sch. para. 12.
(3)	1971 c.78 s.103(3A); 1981 c.41 Sch. para. 12.
(4)	1971 c.78 s.103(3B); 1981 c.41 Sch. para. 12.
(5)	1971 c.78 s.103(3C); 1981 c.41 Sch. para. 12.
(6)	1971 c.78 s.103(3D); 1981 c.41 Sch. para. 12.
(7)	1971 c.78 s.103(3E); 1981 c.41 Sch. para. 12.
(8)	1971 c.78 s.103(3F); 1981 c.41 Sch. para. 12.
(9)	1971 c.78 s.103(4).
(10)	1971 c.78 s.110(2).
209(1)	1971 c.78 ss.103(5), 91(1); 1981 c.41 Sch. para. 4(a); 1972 c.70 Sch.16 paras. 29, 52.
(2)	1971 c.78 ss.103(5), 91(2); 1981 c.41 Sch. para. 4(b) (i), (ii).
(3), (4)	1971 c.78 ss.91(3),(4), 103(5); 1974 c.7 Sch.8.
(5)	1971 c.78 ss.91(5), 103(5).
(6)	1971 c.78 s.111.
210(1)	1971 c.78 s.102(1); 1974 c.32 s.10(3).
(2)	1971 c.78 s.102(1); 1974 c.32 s.10(3); 1980 c.43 ss.32(9), 143(1).
(3)	1971 c.78 s.102(1)(b); 1974 c.32 s.10(3).
(4)	1971 c.78 s.102(2); 1974 c.32 s.10(4); 1982 (c.48) s.46(1).
(5)	1971 c.78 s.102(3), 1974 c.32 s.10(5).
211(1) to (3)	1971 c.78 s.61A(1) to (3); 1974 c.32 s.8.
(4)	1971 c.78 s.102(4); 1974 c.32 s.10(6).
212(1)	1971 c.78 s.61A(4); 1974 c.32 s.8.
(2), (3)	1971 c.78 s.61A(5); 1974 c.32 s.8.

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(4)	1971 c.78 s.61A(6); 1974 c.32 s.8.
213(1),(2)	1971 c.78 s.61A(8); 1974 c.32 s.8.
(3)	1971 c.78 s.61A(9); 1974 c.32 s.8.
214	1971 c.78 s.61A(7); 1974 c. 32 s. 8.
215(1),(2)	1971 c.78 s.65(1),(2); 1986 c.63 s.46.
(3),(4)	1971 c.78 s.65(3); 1986 c.63 s.46.
216(1)	1971 c.78 s.104(1); 1981 c.41 Sch. para. 13.
(2)	1971 c.78 s.104(2); 1981 c.41 Sch. para. 13; 1982 c.48 ss.38, 46
(3)	1971 c.78 s.104(3); 1981 c.41 Sch. para. 13.
(4)	1971 c.78 s.104(4)(5); 1981 c.41 Sch. para. 13.
(5)	1971 c.78 s.104(6); 1981 c.41 Sch. para 13.
(6)	1971 c.78 s.104(7); 1981 c.41 Sch. para. 13; 1986 c.63 s.49(1), Sch.11 para. 13.
(7)	1971 c.78 s.104(8); 1981 c.41 Sch. para. 13.
217(1)	1971 c.78 s.105(1); 1986 c.63 s.49, Sch.11 para. 20.
(2) to (5)	1971 c.78 s.105(2) to (5).
(6)	1971 c.78 s.110(2).
218	1971 c.78 s.106; 1981 c.41 Sch. para. 14.
219(1)	1971 c.78 s.107(1); 1981 c.41 Sch. para. 15.
(2)	1971 c.78 s.107(2); 1981 c.41 Sch. para. 15.
(3) to (5)	1971 c.78 s.107(3).
(6)	1971 c.78 s.111.
220(1),(2)	1971 c.78 s.63(1),(2).
(3)	1971 c.78 ss.63(2)(c), 191(1).
(4)	1971 c.78 s.63(7).
(5)	1971 c.78 s.63(7); R 19.
221(1)	1971 c.78 s.63(3); 1974 c.32 s.3(1); 1986 c.63 s.45.

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(2)	1971 c.78 s.63(3A); 1986 c.63 s.45.
(3),(4)	1971 c.78 s.63(3B); 1986 c.63 s.45.
(5)	1971 c.78 s.63(4).
(6)	1971 c.78 s.63(5).
(7) to (9)	1971 c.78 s.63(6).
222	1971 c.78 s.64.
223(1)	1971 c.78 s.176.
(2)	1971 c.78 s.179(1); 1981 c.36 s.17.
(3)	1971 c.78 s.179(2).
224(1),(2)	1971 c.78 s.109(1).
(3)	1971 c.78 s.109(2); 1981 c.41 Sch. para 16; 1982 c.48 s.46; 1986 c.63 s.49(1), Sch.11 para. 13.
(4),(5)	1971 c.78 s.109(3).
225(1)	1971 c.78 s.109A(1),(6); 1982 c.30 s.36(a).
(2)	1971 c.78 s.109A(2); 1982 c.30 s.36(a).
(3)	1971 c.78 s.109A(3),(6); 1982 c.30 s.36(a).
(4),(5)	1971 c.78 s.109A(4),(5).
226(1) to (4)	1971 c.78 s.112(1)(1A) to (1C); 1980 c.65 s.91(1).
(5)	1971 c.78 s.112(2).
(6)	1971 c.78 s.112(3); 1972 c.70 s. 179(3), Sch. 30.
(7)	1971 c.78 s.112(4); 1981 c.67 Sch. 6 Pt. I; 1981 c.67 Sch. 4 para. 1.
(8)	1971 c.78 s.112(5); 1972 c.70 s. 179(3), Sch. 30.
227(1)	1971 c.78 s.119(1)(a); 1972 c.70 s. 179(3), Sch. 30.
(2)	1971 c.78 s.119(3).
228(1)	1971 c.78 s.113(1); 1980 c.65 s.122(2).
(2)	1980 c.65 s.122(1).
(3)	1971 c.78 s.113(2).
(4)	1971 c.78 s.113(2) (proviso); 1981 c.67 Sch. 4 para. 1.
(5),(6)	1980 c.65 s.122(3).

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(7)	1971 c.78 s.113(3); 1981 c.67 Sch. 4 para. 1, Sch. 6 Pt. I.
229(1)	1971 c.78 s.121(1).
(2)	1971 c.78 s.121(1); 1980 c.65 Sch. 34 Pt. XIII.
(3)	1971 c.78 s.121(2); 1981 c.67 Sch. 4, para. 21(6).
(4) to (6)	1971 c.78 s.121(4) to (6).
230	1971 c.78 s.120.
231(1)	1971 c.78 s.276(6)(a); 1972 c.70 s. 179.
(2)	1971 c.78 s.276(6)(b).
(3)	1971 c.78 s.276(7).
232(1)	1971 c.78 s.122(1).
(2) to (4)	1971 c.78 s.122(2)(2A)(2B); 1980 c.65 Sch. 23 para. 10.
(5),(6)	1971 c.78 s.122(4),(5); 1972 c.70 s.272(2).
233(1) to (4)	1971 c.78 s.123(1),(2),(2A); 1980 c.65 Sch. 23 para. 11, Sch. 34, Part XIII.
(5) to (7)	1971 c.78 s.123(7).
(8)	1971 c.78 s.123(9); 1972 c.70 s.272(2).
234	1980 c.65 s.122(6).
235(1)	1971 c.78 s.124(1), (5).
(2)	1971 c.78 s.124(2).
(3)	1971 c.78 s.124(1), (5).
(4)	1971 c.78 s.124(6); 1974 c.7 s.35, Sch. 6 para. 25(9).
(5)	1971 c.78 s.124(6) (proviso), (7).
(6)	1971 c.78 s.124(8); 1972 c.5 Sch. 3; 1982 c.52 s.19(1), Sch. 2 para. 7(2).
236(1)	1971 c.78 s.118(1).
(2)	1971 c.78 s.118(2); 1984 c.12 Sch. 4 para. 53(3).
(3) to (5)	1971 c.78 s.118(3) to (5).
237(1),(2)	1971 c.78 s.127(1),(2).
(3)	1971 c.78 s.127(1) (proviso); 1984 c.12 Sch. 4 para. 53(4).
(4)	1971 c.78 s.127(3).

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(5),(6)	1971 c.78 s.127(4).
(7)	1971 c.78 s.127(5).
238(1),(2)	1971 c.78 s.128(1) (part).
(3),(4)	1971 c.78 s.128(2).
(5)	1971 c.78 s.128(3).
(6)	1971 c.78 s.128(7) (part).
239(1),(2)	1971 c.78 s.128(4).
(3)	1971 c.78 s.128(7) (part).
240(1),(2)	1971 c.78 s.128(5), (6).
(3)	1971 c.78 s.128(8), (1) (part).
241	1971 c.78 s.129.
242	1971 c.78 s.130; 1973 c.26 Sch. 3; 1978 c.30 s.17(2)(a); 1989 c.42 Sch.11 para 19.
243(1)	1971 c.78 s.131(1).
(2),(3)	1971 c.78 s.131(2)
(4)	1971 c.78 s.131(3).
244(1)	1980 c.65 s.119(1); 1982 c.30 s.35(a).
(2)	1980 c.65 s.119(2); 1982 c.30 s.35(b).
(3)	1980 c.65 s.119(3); 1982 c.30 s.35(c)
(4)	1980 c.65 s.119(4); 1982 c.30 s.35(d).
245(1)	1971 c.78 s.132(1); 1981 c.67 Sch. 4 para. 21(7)(a).
(2)	1971 c.78 s.132(2); 1981 c.67 Sch. 4 para. 21(7)(b).
(3)	1971 c.78 s.132(3); 1981 c.67 Sch. 4 para. 21(7)(c).
(4)	1971 c.78 s.132(4).
246	1971 c.78 s.133.
247(1)	1971 c.78 s.209(1); 1980 c.65 Sch. 32 para. 18(4).
(2)	1971 c.78 s.209(2)(part).
(3)	1971 c.78 s.209(2); 1972 c.70 Sch. 16 para. 39; 1980 c.66 Sch. 24 para. 20; 1985 c.51 Sch. 4 para. 50(a), Sch. 17.
(4)	1971 c.78 s.209(3).
(5)	1971 c.78 s.209(4).



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(6)	1971 c.78 s.209(5); 1981 c.67 Sch. 4 para. 21(8).
248(1),(2)	1971 c.78 s.211(1).
(3)	1971 c.78 s.211(2); R 20.
249(1)	1971 c.78 s.212(1); 1974 c.7 Sch. 8.
(2)	1971 c.78 s.212(2); 1972 c.70 Sch.16 paras. 41(1),(2),52.
(3)	1971 c.78 s.212(3); 1972 c.70 Sch.16 paras.41(1),(3),52.
(4)	1971 c.78 s.212(3).
(5)	1971 c.78 s.212(4).
(6)	1971 c.78 s.212(8).
(7)	1971 c.78 s.212(8A); 1982 c.30 Sch.5 para. 2.
(8)	1971 c.78 s.212(2),(8); 1972 c.70 Sch.16 paras. 41(1),(5),52.
(9)	1971 c.78 s.212(9).
250(1),(2)	1971 c.75 s.212(5); 1972 c.70 Sch.16 paras.41(4),52.
(3)	1971 c.78 s.212(6); 1972 c.70 Sch.16 paras.41(4),52.
(4) to (7)	1971 c.78 ss.212(7), 178, 179; 1972 c.70 Sch.16 paras.41(4),52.
251(1)	1971 c.78 s.214(1)(a).
(2)	1971 c.78 s.214(2).
(3)	1971 c.78 s.214(3); 1988 c.4 Sch.3 para. 22.
252(1)	1971 c.78 s.215(1).
(2)	1971 c.78 s.215(2)(a), (7A)(part); 1986 c.44 Sch.7 para. 2(2)(c); 1989 c.15 Sch.25 para 42(1).
(3)	1971 c.78 s.215(2)(b).
(4),(5)	1971 c.78 s.215(3).
(6)	1971 c.78 s.215(4).
(7)	R 21.
(8)	1971 c.78 s.215(5).
(9)	1971 c.78 s.215(6).
(10),(11)	1971 c.78 s.215(7).

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(12)	1971 c.78 s.215(7A) (part),(8); 1972 c. 70 s.179(3); 1985 c.51 Sch.14 para. 48(a), Sch.17; 1988 c.40 Sch.13; 1988 c.50 Sch.17 para. 18; 1989 c.15 Sch.25 para 42(1); 1989 c.29 Sch.16 para 2(5) (b).
253(1)	1971 c.78 s.216(1)
(2)	1971 c.78 s.216(2); 1987 c.3 Sch.1 para. 19.
(3)	1971 c.78 s.216(3).
(4)	1971 c.78 s.216(4); 1972 c.70 Sch.30; 1985 c.51, Sch.4 para. 50(b); 1988 c.40 Sch.12 para 40.
(5)	1971 c.78 s.216(5).
254(1)	1971 c.78 s.218(1); R 22.
(2)	1971 c.78 s.218(2); 1981 c.67 Sch.4 para. 1, Sch.6 Pt.I.
255	1971 c.78 s.219.
256(1),(2)	1971 c.78 s.220(1); 1984 c.12 Sch.4 para. 53(7).
(3),(4)	1971 c.78 s.220(2); 1984 c.12 Sch.4 para. 53(7).
(5)	1971 c.78 s.220(6); 1984 c.12 Sch.4 para. 53(7).
(6)	1971 c.78 s.220(7); 1984 c.12 Sch.4 para. 53(7).
257(1) to (3)	1971 c.78 s.210(1) to (3).
(4)	1971 c.78 s.210(4); 1972 c.70 Sch.16 para. 40.
258(1)	1971 c.78 s.214(1).
(2)	1971 c.78 s.214(2).
(3)	1971 c.78 s.214(3); 1988 c.4 Sch.3 para. 22.
259	1971 c.78 s.217.
260(1)	1971 c.78 s.220(3)(part),(4);1984 c.12 Sch.4 para. 53(7).
(2)	1971 c.78 s.220(4)(part); 1984 c.12 Sch.4 para. 53(7), drafting.
(3)	1971 c.78 s.220(3)(a); 1984 c.12 Sch.4 para 53(7).

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|------------|---|
| (4)        | 1971 c.78 s.220(3)(b); 1984 c.12 Sch.4 para. 53(7).   |
| (5)        | 1971 c.78 s.220(3)(c); 1984 c.12 Sch.4 para. 53(7).   |
| (6)        | 1971 c.78 s.220(3)(d); 1984 c.12 Sch.4 para. 53(7).   |
| (7)        | 1971 c.78 s.220 (3)(e); 1984 c.12 Sch.4 para. 53(7).  |
| (8)        | 1971 c.78 s.220(5); 1984 c.12 Sch.4 para. 53(7).  |
| (9)        | 1971 c.78 s.220(6),(7); 1984 c.12 Sch.4 para. 53(7).  |
| 261(1)     | 1951 c.60 s.32(1); 1971 c.78 s.221(1), (3).   |
| (2)        | 1951 c.60 s.32(1); 1971 c.78 s.221(1), (3).   |
| (3)        | 1951 c.60 s.32(2); 1971 c.78 s.221(1), (3).   |
| (4)        | 1951 c.60 s.32(3); 1971 c.78 s.221(2), (3).   |
| (5)        | 1958 c.69 s.13(5) 1986 c.63 Sch.8 para. 4.  |
| 262(1)     | 1971 c.78 s.290(1); 1986 c.31 Sch.2 para. 1(1); 1986 c.44 Sch.9; 1989 c.15 Sch.25 para. 42(3); 1989 c.29 Sch.18.  |
| (2)        | 1971 c.78 s.290(1); 1986 c.31 Sch.2 para. 1(1).   |
| (3) to (5) | 1969 c.48 Sch.4 para. 93(1)(xxxiii), (4)(ii); 1980 c.65 Sch.33 para. 12; 1981 c.38 Sch.3 para. 10(2)(c); 1982 c.16 Sch.2 paras.4, 5(c); 1986 c.44 Sch.7 para. 2(1); 1986 c.63 Sch.7 para. 9; 1989 c.15 Sch.25 para. 1(2). |
| (6), (7)   | 1989 c.29 Sch.16 paras. 1(1)(xxii), (xxiv), (xxv), 2(2)(c), (4)(c).   |
| 263(1),(2) | 1971 c.78 s.222.  |
| (3), (4)   | 1969 c. 48 Sch.4 para. 93(4); 1982 c.16 Sch.2 para 5, Sch.13 Part III para. 1.  |
| 264(1)     | 1971 c.78 s.223(1).   |
| (2)        | 1971 c.78 s.223(1)(part), (2)(part); 1969 c.48 Sch.4 para. 89(1).   |
| (3)        | 1971 c.78 s.223(2)(a).  |

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| (4)         | 1971 c.78 s.223(2)(b); 1984 c.32 Sch.6 para. 9; 1986 c.44; Sch.7 para. 12; 1986 c.31 Sch.4 para. 1; 1989 c.15 Sch.25 para. 42(2). |
| (5), (6)    | 1971 c.78 s.223(3).   |
| (7)         | 1969 c.48 Sch.4 para. 89(2).  |
| (8)         | 1982 c.16 Sch.2 para. 6(1).   |
| 265(1)      | 1971 c.78 s.224(1); 1986 c.31 Sch. 2 para. 1(2), Sch.6; 1986 c.44 Sch.7 para 2(1); 1989 c.15 Sch.27.                              |
| (2)         | 1986 c.44 Sch.7 para. 2(9); 1989 c.29 Sch.16 para. 3(1)(d).   |
| (3)         | 1989 c.15 Sch.25 para. 1(9),(10).   |
| (4)         | 1971 c.78 s.224(2).   |
| 266(1)      | 1971 c.78 s.225(1); 1981 c.41 Sch. para. 17.  |
| (2)         | 1971 c.78 s.225(2).   |
| (3)         | 1971 c.78 s.225(3).   |
| (4)         | 1971 c.78 s.225(5).   |
| (5)         | 1982 c.16 Sch.2 para. 6(2).   |
| 267         | 1971 c.78 s.225(4).   |
| 268(1)      | 1971 c.78 s.226(1).   |
| (2)         | 1971 c.78 s.226(1).   |
| (3)         | 1971 c.78 ss.40(3), 226(2).   |
| 269         | 1971 c.78 s.227; R 23.  |
| 270         | 1971 c.78 s.228; R 23; R 24.  |
| 271(1), (2) | 1971 c.78 s.230(1).   |
| (3)         | 1971 c.78 s.230(2).   |
| (4)         | 1971 c.78 s.230(3).   |
| (5)         | 1971 c.78 s.230(4).   |
| (6)         | 1971 c.78 s.230(5).   |
| (7)         | 1971 c.78 s.230(6).   |
| (8)         | 1971 c.78 s.230(1)(part).   |
| 272(1)      | 1971 c.78 s.230(1),(7); 1984 c.12 Sch.4 para. 53(9).  |
| (2)         | 1971 c.78 s.230(1),(7); 1984 c.12 Sch.4 para. 53(9).  |

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(3)	1971 c.78 s.230(2),(7); 1984 c.12 Sch.4 para. 53(9).
(4)	1971 c.78 s.230(3),(7); 1984 c.12 Sch.4 para. 53(9).
(5)	1971 c.78 s.230(4),(7); 1984 c.12 Sch.4 para. 53(9).
(6)	1971 c.78 s.230(5),(7); 1984 c.12 Sch.4 para. 53(9).
(7)	1971 c.78 s.230(6), (7); 1984 c.12 Sch.4 para. 53(9).
(8)	1971 c.78 s.230(1)(part),(7); 1984 c.12 Sch.4 para. 53(9).
273(1) to (6)	1971 c.78 s.232(1) to (6).
(7),(8)	1971 c.78 s.232(7); 1984 c.12 s.109, Sch.4 para. 53(10).
274	1971 c.78 ss.231, 230(7); 1984 c.12 Sch. 4 para. 53(9)
275	1971 c.78 s.233.
276(1), (2)	1971 c.78 s.234(1).
(3)	1971 c.78 s.234(2).
277(1), (2)	1971 c.78 s.235(1),(2).
(3),(4)	1971 c.78 s.235(3).
(5)	1971 c.78 s.235(4).
(6)	1971 c.78 s.235(5).
(7)	1971 c.78 s.235(6).
(8)	1971 c.78 s.235(7).
278(1) to (5)	1971 c.78 s.236(1) to (5).
(6),(7)	1971 c.78 s.236(6).
(8),(9)	1971 c.78 s.236(7).
(10)	1971 c.78 s.236(8).
(11)	1971 c.78 s.236(2) proviso.
279(1)	1971 c.78 s.237(1).
(2)	1971 c.78 s.237(2).
(3)	1971 c.78 ss.230(7), 237(2); 1984 c.12 Sch.4 para. 53(9).
(4)	1971 c.78 s.237(3).
(5),(6)	1971 c.78 s.237(4).

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(7)	1971 c.78 s.237(5); 1986 c.63 Sch.12 Pt.III.
280(1)	1971 c.78 ss.238(1), 230(7); 1981 c.36 Sch.1 para. 7; 1984 c.12 Sch.4 para. 53(9).
(2), (3)	1971 c.78 s.238(2); 1984 c.12, Sch.4 para. 53(9).
(4), (5)	1971 c.78 s.238(3); 1984 c.12 Sch.4 para. 53(9).
(6)	1971 c.78 s.238(4).
(7)	1971 c.78 s.238(5).
(8)	1971 c.78 s.238(6); 1981 c.67 Sch.4 para. 21(9).
281(1),(2)	1971 c.78 s.239(1).
(3)	1971 c.78 s.239(2).
(4)	1971 c.78 s.239(3).
282	1971 c.78 s.240.
283	1971 c.78 s.241.
284(1)	1971 c.78 s.242(1); 1985 c.51 Sch.1 para. 16(3); 1986 c.63 Sch.6 Pt.II para. 4.
(2)	1971 c.78 s.242(2); 1981 c.36 Sch.1 para. 8
(3)	1971 c.78 s.242(3); 1982 c.30 Sch.6 para. 7(b).
(4)	1971 c.78 s.242(4).
285(1)	1971 c.78 s.243(1); 1981 c.41 Sch. para. 18(1).
(2)	1971 c.78 s.243(2); 1981 c.41 Sch. para. 18(2).
(3)	1971 c.78 s.243(3).
(4)	1971 c.78 s.243(4).
(5),(6)	1971 c.78 s.243(5).
286(1)	1972 c.70 Sch.16 paras.51(1),54(6).
(2)	1972 c.70 Sch.16 para. 51(2); 1981 c.41 Sch. para. 28(d)
287(1)	1971 c.78 s.244(1),(6); 1985 c.51 Sch.1 para. 16(4).
(2)	1971 c.78 s.244(2).

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(3)	1971 c.78 s.244(3) to (7); 1986 c.63 Sch.6 Pt.II para. 5.
(4)	1971 c.78 s.244(1) (part).
(5)	1971 c.78 s.244(1),(3) to (7); 1986 c.63 Sch.6 Pt.II para. 5; R 25(a).
(6)	1971 c.78 s.244(7)(a); 1986 c.63 Sch.6 Pt.II para. 5.
288(1)	1971 c.78 s.245(1).
(2)	1971 c.78 s.245(2).
(3)	1971 c.78 s.245(1)(2); R 25(b).
(4)	1971 c.78 s.245(3)
(5),(6)	1971 c.78 s.245(4).
(7)	1971 c.78 s.245(5).
(8)	1971 c.78 s.245(6).
(9)	1971 c.78 s.245(7).
(10)	1971 c.78 s.245(7); 1972 c.70 Sch.16 para. 46; R 26.
289(1)	1971 c.78 s.246(1); 1981 c.41 Sch. para. 19.
(2)	1971 c.78 s.246(1A); 1981 c.41 Sch. para. 19.
(3)	1971 c.78 s.246(2).
(4)	1971 c.78 s.246(2); 1981 c.54 Sch.5.
(5)	1971 c.78 s.246(3).
(6)	1971 c.78 s.246(4); 1977 c.38 Sch.5 Pt.IV.
(7)	1971 c.78 s.246(5).
290	1971 c.78 s.247; R 8(b).
291	1971 c.78 s.248.
292	1971 c.78 s.249.
293(1) to (3)	1971 c.78 ss.266(7), 268(4); 1984 c.10 s.6(1), (2)
(4)	1984 c.10 s.4(1).
294(1)	1971 c.78 s.266(3); 1981 c.41 Sch. para 20(b).
(2)	1984 c.10 s.3(1).
(3)	1984 c.10 s.3(2).
(4)	1984 c.10 s.3(3).

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(5)	1984 c.10 s.3(4).
(6), (7)	1984 c.10 s.3(5).
295(1), (2)	1984 c.10 s.3(6).
(3), (4)	1984 c.10 s.3(7).
(5),(6)	1984 c.10 s.3(8).
296(1)	1971 c.78 s.266(1); 1985 c.51 Sch.1 para. 16(6).
(2)	1971 c.78 s.266(2); 1981 c.36 Sch.1 para. 9; 1981 c.41 Sch. para. 20(a).
(3), (4)	1971 c.78 s.266(5).
(5)	1971 c.78 s.266(6).
297(1), (2)	1971 c.78 s.267(1).
(3)	1971 c.78 s.267(2).
(4)	1971 c.78 s.267(3).
298	1971 c.78 s.268.
299(1) to (5)	1984 c.10 s.1(1) to (5).
(6)	1984 c.10 s.1(7).
(7)	1984 c.10 s.1(6)(part).
300(1)	1984 c.10 s.2(1).
(2)	1984 c.10. s.2(2).
(3), (4)	1984 c.10 s.2(3).
(5)	1984 c.10 s.2(4).
(6), (7)	1984 c.10 s.2(5).
301(1) to (4)	1984 c.10 s.5(1) to (4).
(5)	1984 c.10 s.5(6).
302(1), (2)	1946 c.35 ss.1(2), 7(6).
(3)	1946 c.35 s.2(1) to (3).
(4)	1946 c.35 s.4(1).
(5)	Drafting
(6)	1946 c.35 ss.1(2), (3), (5), 2(1), 4(1), 7(1), (6); 1989 c.43 Sch 2 para. 11.
(7)	1946 c.35 s.7(3).
(8)	1946 c.35 s.7(6).
303 (1)	1980 c.65 s.87(1).
(2)	1980 c.65 s.87(2)(a).
(3)	1980 c.65 s.87(3).



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(4)	1980 c.65 s.87(4).
(5)	1980 c.65 s.87(6).
304	1971 c.78 s.253.
305	1971 c.78 s.254.
306(1)	1971 c.78 s.255(1); 1980 c.66 Sch.24 para. 20(g)
(2)	1971 c.78 s.255(2); 1985 c.51 Sch.1 para. 16(5); R 27(a) and (b).
(3)	1971 c.78 s.255(3).
(4)	1971 c.78 s.255(4).
(5)	1971 c.78 s.255(5).
307	1971 c.78 s.256; 1972 c.70 s. 179(3), Sch.30; 1980 c.65 Sch.15 para. 22.
308(1),(2)	1971 c.78 s.257(1),(2).
(3) to (6)	1971 c.78 s.257(3) to (6).
309(1) to (5)	1971 c.78 s.258(1) to (5).
(6),(7)	1971 c.78 s.258(6).
310	1971 c.78 s.259.
311	1971 c.78 s.260.
312(1)	1971 c.78 s.261(1).
(2)	1971 c.78 s.261(4).
313	1971 c.78 s.262; 1980 c.65 s.87(7).
314	1971 c.78 s.263(1); 1972 c. 70 Sch. 29 Pt. I para 3(b).
315(1)	1971 c.78 s.264(1).
(2)	1971 c.78 s.264(2)
(3)	1971 c.78 s.264(1) to (3).
(4)	1971 c.78 s.264(4); 1987 c.3 Sch.1 para. 19.
(5)	1971 c.78 s.264(4).
316(1)	1971 c.78 s.270(1).
(2)	1971 c.78 s.270(2); 1981 c.41 Sch. para. 21.
(3)	1971 c.78 s.270 (3).
(4)	1971 c.78 s.272.
(5)	1980 c.65 s.149(5); 1988 c.50 s.67(5).

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317(1), (2)	1971 c.78 s.273(1); 1974 S.I./692 art.2(1), 5(3), Sch.1 Pt.I; 1987 c.3 s.1, Sch.1 para. 19.
(3)	1971 c.78 s.273(2).
318(1)	1971 c.78 s.274(1); 1981 c.41 Sch. para. 23; 1981 c.67 Sch.4 para. 1.
(2)	1971 c.78 s.274(2).
(3)	1971 c.78 s.274(3).
(4)	1971 c.78 s.274(4).
(5)	1971 c.78 s.274(4).
(6)	1971 c.78 s.274(5).
319(1)	1971 c.78 s.269(1), (3); 1980 c.65 Sch.15 para. 23(1); 1981 c.36 s.18; 1984 c.10 s.6(3).
(2)	1971 c.78 s.269(2); 1972 c.70 s. 179(3); 1982 c.30 s.36(b).
(3)	1971 c.78 s.269(3); 1972 c.70 s. 179(3).
(4)	1971 c.78 s.269(1), (3).
(5)	1971 c.78 s.269(4).
320(1)	1971 c.78 s.282(1).
(2)	1971 c.78 s.282(2); 1986 c.63 Sch.11 para. 8(1).
321(1)	1982 c.21 s.1(5).
(2)	1982 c.21 s.1(1).
(3)	1982 c.21 s.1(2),(3).
(4)	1982 c.21 s.1(4).
322	1971 c.78 s.282A; 1986 c.63 Sch.11 para. 9(1).
323	1971 c.78 s.282B; 1986 c.63 Sch.11 para. 10.
324(1)	1971 c.78 s.280(1); 1981 c.41 Sch. para. 25; 1985 c.51 Sch.1 para. 16(7).
(2)	1971 c.78 s.280(4).
(3)	1971 c.78 s.280(4A); 1982 c.30 s.36(c).
(4)	1971 c.78 s.280(5).
(5)	1971 c.78 s.280(6).
(6)	1971 c.78 s.280(7).
(7)	1971 c.78 s.280(8).

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(8)	1971 c.78 s.280(9).
(9)	1971 c.78 s.280(10); 1985 c.51 Sch.2 para. 1(16).
325(1)	1971 c.78 s.281(1)
(2)	1971 c.78 s.281(2); 1982 c.48 s.46.
(3) to (5)	1971 c.78 s.281(3).
(6)	1971 c.78 s.281(4).
(7)	1971 c.78 s.281(5).
(8)	1971 c.78 s.281(6)(a).
(9)	1971 c.78 s.281(6)(b).
326(1)	1971 c.78 s.278(1).
(2)	1971 c.78 s.278(2).
(3)	1971 c.78 s.278(4).
(4)	1971 c.78 s.278(5).
327(1)	1971 c.78 s.279(1).
(2)	1971 c.78 s.279(2)(a).
(3)	1971 c.78 s.279(2)(b).
(4)	1971 c.78 s.279(3).
(5)	1971 c.78 ss.279(4); 258(5).
328(1)	1971 c.78 s.275(1).
(2)	1971 c.78 s.275(1).
329	1971 c.78 s.283.
330(1)	1971 c.78 s.284(1); 1977 c.29 s.3(1), (2); 1981 c.41 Sch. para. 26.
(2)	1971 c.78 s.284(1A); 1977 c.29 s.3(1), (3).
(3)	1971 c.78 s.284(1)(part); 1977 c.29 s.3(1),(2); 1981 c.41 Sch. para. 26.
(4)	1971 c.78 s.284(2); 1977 c.29 s.3(4); 1982 c.48 ss.38, 46.
(5)	1971 c.78 s.284(3); 1977 c.29 s.3(5); 1982 c.48 s.74.
331	1971 c.78 s.285.
332	1971 c.78 s.286.
333(1)	1971 c.78 s.287(1).
(2), (3)	1971 c.78 s.287(2).

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(4)	1971 c.78 s.287(4); 1985 c.51 s.103(1); 1986 c.63 Sch.6 Pt.II para. 6(a), Sch.9 para. 5(2)(a), Sch.12 Pt.III.
(5)	1971 c.78 s.287(5); 1985 c.51 s.103(2); 1986 c.63 Sch.6 Pt.II para. 6(b), Sch.9 para. 5(2)(b), Sch.12 Pt.III.
(6)	1971 c.78 s.287(6).
(7)	1971 c.78 s.287(3).
334	1971 c.78 s.288.
335	1971 c.78 s.289.
336(1)	1971 c.78 ss. 264(1A), 290(1); 1972 c.70 s. 179(3), Sch.30; 1977 S.I./293 art.4(4); 1980 c.65 Sch.32 para. 18(5); 1980 c.66 Sch.24 para. 20(h); 1981 c.36 s.1(2), Sch.1 para. 11; 1985 c.51 Sch.1 para. 16(8), Sch.17; 1986 c.63 Sch.6 Pt.II para. 7, Sch.7 Pt.I para. 7, Sch.12 Pt.III; 1988 c.4 Sch.3 para. 25; 1989 c.15 Sch.25 paras.1(11)(ii), 42(3); 1990 SI/776 Sch.3 para. 15; R 28.
(2), (3)	1971 c.78 s.290(2).
(4)	1971 c.78 s.290(3).
(5)	1971 c.78 s.290(4).
(6)	1971 c.78 s.290(5)(part).
(7)	1971 c.78 s.290(6); 1989 c. 34 s.2.
(8)	1971 c.78 s.290(7).
(9)	1971 c.78 s.290(8).
(10)	1971 c.78 ss.40(4) 181(5), 182(5), 280(10)(c), 284(4); 1988 c.4 Sch.3 paras. 11,19,20,23,24,25.
337	
Sch. 1 para. 1	1972 c.70 Sch. 16 paras. 32, 32A; 1980 c.65 s.86(4), Sch. 34 Pt X; 1981 c.36 s.2(1), Sch para 12.
para. 2	1972 c.70 s.183(1).
para. 3	1972 c.70 Sch. 16 para. 15; 1980 c.65 s.86(1), Sch. 34 Pt X.
para. 4	1972 c.70 Sch. 16 para. 16.
para. 5(1)	1972 c.70 Sch. 16 para. 17; 1980 c.66 Sch. 24 para. 22; 1986 c.63 Sch. 11 para. 2(2).
(2),(3)	1980 c.65 s.150.

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para. 6	1972 c.70 Sch. 16 para. 18.
para. 7	1972 c.70 Sch. 16 para. 19; 1980 c.65 s.86(2),(3); 1986 c.63 Sch. 11 para. 23(3); R 29.
para. 8	1972 c.70 Sch. 16 para. 20; 1986 SI/452.
para. 9(1)	1971 c.78 s.24A(6); 1986 c.63 s.25(1).
(2)	1971 c.78 Sch.8A para. 5(6); 1986 c.63 s.25(2).
(3)	1971 c.78 Sch.8A para. 6(6); 1986 c.63 s.25(2).
para. 10	1972 c.70 Sch. 16 para. 23.
para. 11	1972 c.70 Sch. 16 para. 24; 1981 c.36 s.2(4)(c); 1981 c.41 Sch. para. 28(a).
para. 12	1972 c.70 Sch. 16 para. 29; 1978 c.30 s.17(2)(a); 1981 c.41 Sch. para. 28(b).
para. 13	1971 c.78 s.60(1A); 1972 c.70 Sch. 16 para. 27; 1980 c.65 Sch.15 para 13; R 2.
para. 14	1971 c.78 ss.61A(3),(7), 65(4), 109A; 1972 c.70 Sch. 16 para. 25 (part); 1980 c.65 Sch. 34 Pt X; 1986 c.63 s.46.
para. 15	1972 c.70 Sch. 16 para. 26.
para. 16	1972 c.70 Sch. 16 paras. 34, 38.
para. 17	1972 c.70 Sch. 16 para. 35.
para. 18	1972 c.70 Sch. 16 para. 36.
para. 19	1972 c.70 Sch. 16 para. 54(1) to (5); 1985 c.51 s.3(5), Sch. 3 para. 4.
para. 20	1972 c.70 Sch. 16 paras. 45,47 (part); 1971 c.78 s.52(4).
para. 21	1972 c.70 Sch. 16 para. 52.
Sch. 2 Pt.I para. 1	1985 c.51 Sch. 1 para. 18 (part), drafting.
para. 2	1985 c.51 Sch. 1 para. 19; 1971 c.78 Sch. 4 para. 5.
para. 3(1)	1971 c.78 Sch.23 Pt.I; 1985 c.51 Sch. 1 para. 20(1), (2); 1986 c.63 Sch. 11 para. 27(1), (2).
(2)	1985 c.51 Sch. 1 para. 20(2A); 1986 c.63 Sch. 11 para. 27(1), (3).
(3)	1985 c.51 Sch. 1 para. 20(3A); 1986 c.63 Sch. 11 para. 27(1), (4) (part).

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(4)	1985 c.51 Sch. 1 para. 20(4).
(5)	R 30.
para. 4(1),(2)	1985 c.51 Sch. 1 para. 21(1)
(3)	1985 c.51 Sch. 1 para. 21(2)
para. 5	1985 c.51 Sch. 1 para. 22
para. 6	1985 c.51 Sch. 1 para. 23(3)
Sch. 2 Pt. II, para. 1	1971 c.78 Sch.4 para. 5(1); 1985 c.51 Sch. 1 para. 18.
para. 2	1985 c.51 Sch. 1 para. 19
para. 3(1)	1971 c. 78 Sch. 4 para. 7, Sch. 23 Pt.I; 1985 c.51 Sch. 1 para. 20(1), (2); 1986 c.63 Sch. 11 para. 27(1), (2)
(2)	1971 c.78 Sch. 4 para. 2; 1972 c.42 Sch. 1; 1985 c.51 Sch.1 para. 20(2).
(3)	1971 c.78 Sch. 4 para. 5(1); 1985 c.51 Sch. 1 para. 20, drafting.
(4)	1981 c.51 Sch. 1 para. 20(4).
(5)	R 30.
para. 4(1)	1971 c.78 Sch. 4 para. 8(3); 1972 c.42 Sch. 1
(2)	1971 c.78 Sch. 4 para. 8(5); 1972 c.42 Sch. 1
para. 5(1)	1971 c.78 Sch. 4 paras. 5(3), 8(1); 1972 c.42 Sch. 1
(2)	1971 c.78 Sch. 4 para. 9(1)(b); 1972 c.42 Sch. 1
(3)	1971 c.78 Sch. 4 para. 9(3); 1972 c.42 Sch. 1
para. 6	1971 c.78 Sch. 4 para. 10; 1972 c.42 Sch. 1
para. 7(1)	1971 c.78 Sch. 4 para. 11(1); 1972 c.42 Sch. 1; 1972 c.70 Sch. 30
(2)	1971 c.78 Sch. 4 para. 11(2); 1972 c.42 Sch. 1; 1980 c.65 Sch. 14 para. 13(1)
(3)	1971 c.78 Sch. 4 para. 11(3); 1972 c.42 Sch. 1; 1980 c.65 Sch. 14 para. 13(1)
(4),(5)	1971 c.78 Sch. 4 para. 11(4),(5); 1972 c.42 Sch. 1
para. 8(1)	1971 c.78 Sch. 4 para. 12(1); 1972 c.42 Sch. 1

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(2)	1971 c.78 Sch. 4 para. 12(2)(part); 1972 c.42 Sch. 1; 1980 c.65 Sch. 14 para. 13(1)
(3)	1971 c.78 Sch. 4 para. 12(3); 1972 c.42 Sch. 1; 1980 c.65 Sch. 14 para. 13(1)
para. 9(1)	1971 c.78 s.13(1); 1972 c.70 s.272(2)
(2)	1971 c.78 s.13(2)
(3)	1971 c.78 s.13(3); 1980 c.65 Sch. 14 para. 9
para. 10	1971 c.78 s.14 Sch.4 para. 14; 1980 c.65 Sch. 14 para. 10.
para. 11(1)	1971 c.78 Sch. 4 para. 14(2); 1972 c.42 Sch. 1; 1972 c.70 Sch. 30
(2)	1971 c.78 Sch. 4 para. 14(3); 1972 c.42 Sch. 1
para. 12(1),(2)	1971 c.78 s.15(1),(2)
(3)	1985 c.51 Sch. 1 para. 20(3); 1986 c.63 Sch. 11 para. 27(4)
(4)	1971 c.78 s.15(3), Sch. 4 para. 16(1); 1972 c.42 s.3(3), Sch. 1; 1972 c.70 Sch. 30.
para. 13(1)	1972 c.70 Sch. 16 para. 10(1); 1986 c.63 Sch. 12 Pt. III
(2)	1972 c.70 Sch. 16 para. 10(2) (as it applies in London); 1986 c.63 Sch. 12 Pt. III
(3)	1972 c.70 Sch. 16 para. 14(3)
(4),(5)	1972 c.70 Sch. 16 para. 14(5),(6)
para. 14	1972 c.70 Sch. 16 para. 11(1) (as it applies in London).
para. 15	1972 c.70 Sch. 16 para. 12; 1986 c.63 Sch. 12 Pt. III
para. 16	1972 c.70 Sch. 16 para. 13; R 6.
para. 17(1),(2)	1985 c.51 Sch. 1 para. 21(1)
(3)	1985 c.51 Sch. 1 para. 21(2)
para. 18	1985 c.51 Sch. 1 para. 22
Sch. 2 Pt. III, para. 1	Drafting
para. 2	1971 c.78 Sch. 7 para. 2; 1980 c.66 Sch. 24 para. 20(j)
para. 3	1971 c.78 Sch. 4 para 5, Sch. 7 para. 3; 1980 c.65 Sch. 14 para. 14

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para. 4	1971 c.78 Sch. 7 para. 4.
para. 5	1971 c.78 Sch. 7 para. 5
para. 6	1971 c.78 Sch. 7 para. 5A; 1980 c.65 Sch. 14 para. 15(1)
para. 7	1971 c.78 Sch. 7 para. 5B; 1980 c.65 Sch. 14 para. 15(1)
para. 8	1971 c.78 Sch. 7 para. 5C; 1980 c.65 Sch. 14 para. 15(1)
para. 9	1971 c.78 Sch. 7 para. 6
para. 10	1971 c.78 Sch. 7 para. 7; 1980 c.65 Sch. 14 para. 15(2); 1985 c.51 Sch. 17
Sch. 3 para. 1	1971 c.78 Sch. 8 para. 1 (part)
para. 2	1971 c.78 Sch. 8 para. 2.
para. 3	1971 c.78 Sch. 8 para. 3 (part)
para. 4 to 8	1971 c.78 Sch. 8 paras. 4 to 8.
para. 9	1971 c.78 Sch. 8 para. 10.
para. 10(1)	1971 c.78 Sch. 8 para. 9.
(2)	1971 c.78 Sch. 8 paras. 1 (part), 3 (part).
paras. 11 to 13	1971 c.78 Sch. 8 paras. 11 to 13.
para. 14(1)	1971 c.78 s.180(3).
(2)	1971 c.78 s.278(2), (3).
Sch. 4 paras. 1 to 3	1971 c.78 s.23(2) to (4).
para. 4	1971 c.78 s.23(7).
Sch. 5 para. 1	1971 c.78 s.44A; 1981 c.36 s.7; 1982 SI/86.
para. 2	1971 c.78 s.30A(1) to (8), (19) (part); 1981 c.36 s.5.
para. 3	1971 c.78 s.30A(9) to (12), (19); 1981 c.36 s.5.
para. 4	1971 c.78 s.30A(13) to (16), (19); 1981 c.36 s.5.
para. 5	1971 c.78 s.30A(17); 1981 c.36 s.5.
para. 6	1971 c.78 s.30A(18); 1981 c.36 s.5.
para. 7	1971 c.78 s.45(6); 1981 c.36 s.8.
para. 8	1971 c.78 s.45(7); 1981 c.36 s.8.
Sch. 6 para. 1	1971 c.78 Sch. 9 para. 1.



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para. 2	1971 c.78 Sch. 9 para. 2; 1981 c.41 Sch. para. 27.
para. 3	1971 c.78 Sch. 9 para. 3.
para. 4	1971 c.78 Sch. 9 para. 3A; 1986 c.63 Sch. 11 para. 11.
para. 5	1971 c.78 Sch. 9 para. 4.
para. 6	1971 c.78 Sch. 9 para. 5; 1972 c.70 s.272(2); 1986 c.63 Sch. 11 paras. 8(2), 9(2), 12.
para. 7	1971 c.78 Sch.9 para. 6.
para. 8	1971 c.78 Sch. 9 para. 7.
Sch. 7 para. 1	1971 c.78 Sch.8A para. 1; 1986 c.63 s.25(2).
para. 2	1971 c.78 Sch.8A para. 2(2); 1986 c.63 s.25(2).
para. 3,4	1971 c.78 Sch.8A paras. 3,4; 1986 c.63 s.25(2).
para. 5	1971 c.78 Sch.8A para. 5(1) to (5); 1986 c.63 s.25(2).
para. 6	1971 c.78 Sch.8A para. 6(1) to (5); 1986 c.63 s.25(2).
paras. 7 to 12	1971 c.78 Sch.8A paras. 7 to 12; 1986 c.63 s.25(2).
para. 13(1),(2)	1971 c.78 Sch.8A para. 13(1),(2); 1986 c.63 s.25(2); R 31.
(3)	1971 c.78 Sch.8A para. 13(3); 1978 c.30 Sch.1; 1986 c.63 s.25(2).
(4)	1971 c.78 Sch.8A para. 13(4); 1986 c.63 s.25(2).
Sch. 8 para. 1	1971 c.78 s.47(2) to (4),(6).
para. 2	1971 c.78 s.48(3) to (5).
para. 3.	1971 c.78 s.48(6),(7).
para. 4.	1971 c.78 s.49(1),(2),(7).
para. 5	1971 c.78 s.49(3) to (6); 1972 c.70 s.272(2).
para. 6.	1971 c.78 Sch.10 para. 1.
para. 7.	1971 c.78 Sch.10 para. 2.
Sch. 9 para. 1	1971 c.78 s.51(1) to (1C),(2) to (9); 1981 c.36 s.9.

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para. 2	1971 c.78 s.51(1D) to (1H); 1981 c.36 s.9.
para. 3	1971 c.78 s.51A(1) to (7); 1981 c.36 s.10.
para. 4	1971 c.78 s.51A(8) to (11); 1981 c.36 s.10.
para. 5	1971 c.78 s.51B(1) to (4); 1981 c.36 s.10.
para. 6	1971 c.78 s.51B(5); 1981 c.36 s.10.
para. 7	1971 c.78 s.51C; 1981 c.36 s.10.
para. 8	1971 c.78 s.51D; 1981 c.36 s.10.
para. 9	1971 c.78 s.51E; 1981 c.36 s.10.
para. 10	1971 c.78 s.51F; 1981 c.36 s.10.
para. 11	1971 c.78 s.276(1) to (4); 1974 c.7 Sch. 6 para. 25(12), Sch. 8; 1981 c.36 Sch. 1 para. 10; R 9.
Sch. 10	1971 c.78 Sch. 18.
Sch. 11 para. 1	1971 c.78 s.178A; 1981 c.36 s.16; 1981 c.36 Sch. 1 paras. 4 to 6.
para. 2	1971 c.78 s.164A(1); 1981 c.36 s.13.
para. 3	1971 c.78 s.170B(1); 1981 c.36 s.15.
para. 4	1971 c.78 s.164A(2)(b) to (4); 1981 c.36 s.13; 1982 SI/86.
para. 5	1971 c.78 s.170B(2); 1981 c.36 s.15.
para. 6	1971 c.78 s.170B(3); 1981 c.36 s.15.
para. 7	1971 c.78 s.170B(4); 1981 c.36 s.15.
para. 8	1971 c.78 s.170B(5); 1981 c.36 s.15.
para. 9	1971 c.78 s.170B(6); 1981 c.36 s.15.
para. 10	1971 c.78 s.178C(1),(2); 1981 c.36 s.16.
para. 11	1971 c.78 s.178C(3); 1981 c.36 s.16.
para. 12	1971 c.78 s.178B; 1981 c.36 s.16.
para. 13	1971 c.78 s.179(1) (part); 1981 c.36 s.17.
Sch. 12 para. 1	1971 c.78 s.135.
para. 2	1971 c.78 s.136.
para. 3	1971 c.78 s.137.
para. 4	1971 c.78 s.138, Sch. 15 para. 29 (part).

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para. 5	1971 c.78 Sch. 15 paras. 2 to 5.
para. 6	1971 c.78 Sch. 15 para. 1.
para. 7	1971 c.78 Sch. 15 paras. 6 to 10.
para. 8	1971 c.78 Sch. 15 paras. 11 to 16.
para. 9	1971 c.78 Sch. 15 paras. 17 to 22.
para. 10	1971 c.78 Sch. 15 paras. 23 to 25.
para. 11	1971 c.78 Sch. 15 paras. 26 to 28, 29 (part).
para. 12	1971 c.78 s.139.
para. 13	1971 c.78 ss.140, 161.
para. 14	1971 c.78 s.141.
para. 15	1971 c.78 Sch. 16.
para. 16	1971 c.78 s.142.
para. 17	1971 c.78 Sch. 17.
para. 18	1971 c.78 s.143.
para. 19	1971 c.78 s.144.
para. 20	1971 c.78 s.145.
Sch. 13 para. 1	1971 c.78 s.192(1)(a); 1984 c.12 Sch.4 para. 53(6); 1987 c.3 Sch.1 para. 19.
Notes (1)	1973 c.26 s.68(1); R 32(a).
(2)	1973 c.26 s.68(4); R 32(a).
(3)	1973 c.26 s.68(5) (part).
(4)	1973 c.26 s.68(7) (part).
(5)	1971 c.78 s.192(2).
(6)	1973 c.26 s.71(2).
(7)	1971 c.78 Sch. 4 para. 5; 1973 c.26 s.68(8); 1985 c.51, Sch. 1 para. 20(2).
para. 2	1971 c.78 s.192(1)(b).
Notes (1)	1973 c.26 s.68(2), (9); R 32(b).
(2)	1973 c.26 s.68(4) (part); R 32(b).
(3)	1973 c.26 s.68(5) (part)(9).
(4)	1973 c.26 s.68(7) (part).
(5)	1973 c.26 s.68(8).
para. 3	1971 c.78 s.192(1)(bb); 1985 c.51 Sch.1 para. 16(1).
Notes (1)	1985 c.51 Sch.1 para. 17(1) (part); R 32(c).

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(2)	1985 c.51 Sch.1 para. 17(2) (part).
(3)	1985 c.51 Sch.1 para. 17(3) (part).
(4)	1985 c.51 Sch.1 para. 17(5) (part).
para. 4	1971 c.78 s.192(1)(bc); 1985 c.51 Sch.1 para. 16(1).
Notes (1)	1985 c.51 Sch.1 para. 17(1) (part); R 32(c).
(2)	1985 c.51 Sch.1 para. 17(2) (part).
(3)	1985 c.51 Sch.1 para. 17(3) (part).
(4)	1985 c.51 Sch.1 para. 17(5) (part).
para. 5	1973 c.26 s.71(1)(a).
para. 6	1973 c.26 s.71(1)(b).
para. 7	1973 c.26 s.72(1)(a); 1981 c.64 Sch.12 para. 11.
Note	1973 c.26 s.72(2).
para. 8	1973 c.26 s.72(1)(b); 1981 c.64 Sch.12 para. 11.
para. 9	1980 c.65 s.147(1).
Note	1980 c.65 s.147(2).
para. 10	1973 c.26 s.73(1)(a); 1985 c.71 Sch.2 para. 24(8).
para. 11	1973 c.26 s.73(1)(b); 1985 c.71 Sch.2 para. 24(8).
para. 12	1971 c.78 s.192(1)(ha); 1989 c.42 Sch.11 para. 20.
para. 13	1971 c.78 s.192(1)(c).
para. 14	1971 c.78 s.192(1)(d); 1980 c.66 Sch.24 para. 20.
Notes (1)	1973 c.26 s.69(1)(a); 1980 c.66 Sch.24 para. 23.
(2)	1973 c.26 s.69(2).
(3)	1973 c.26 s.74(1); 1980 c.66 Sch.24 para. 23.
para. 15	1971 c.78 s.192(1)(e).
para. 16	1971 c.78 s.192(1)(f).
para. 17	1973 c.26 s.74(2)(a); 1980 c.66 Sch.24 para. 23.
para. 18	1973 c.26 s.74(2)(b).

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para. 19	1973 c.26 s.76(1); 1980 c.66 Sch.24 para. 23.
Note	1973 c.26 s.76(4).
para. 20	1971 c.78 s.192(1)(h); 1985 c.71 Sch.2 para. 22.
para. 21	1971 c.78 s.192(1)(i).
para. 22	1971 c.78 s.192(1)(g), (j); 1973 c.26 s.75(1),(2).
Notes (1)	1973 c.26 s.70(1); 1978 c.30 s.17(2)(a).
(2)	1973 c.26 s.70(2).
Sch. 14 para 1	1971 c.78 Sch.20 para 1; 1981 c.69 Sch.16 para. 1; 1985 c.51 Sch.14 para. 48.
para 2	1971 c.78 Sch.20 para. 2.
para 3	1971 c.78 Sch.20 para. 3.
para 4	1971 c.78 Sch.20 para. 3A; 1981 c.69 Sch.16 paras. 2,10.
para 5	1971 c.78 Sch.20 para. 4.
para 6	1971 c.78 Sch.20 para 5.
para 7	1971 c.78 Sch.20 para. 6; 1981 c.69 Sch.16 paras. 3, 10; R 33.
para 8	1971 c.78 Sch.20 para. 7, 1981 c.69 Sch.16 paras. 4,10.
Sch. 15 para. 1	Drafting
para 2	1946 c.35 s.2(4),(5).
para. 3	1946 c.35 s.2(6).
para. 4	1946 c.35 s.2(7) (part).
para. 5	1946 c.35 s.2(2),(3).
para. 6	1946 c.35 s.2(8) (part), (7) (part).
para. 7	1946 c.35 s.2(8) (part).
para. 8	1946 c.35 s.2(9) (part).
para. 9	1946 c.35 s.2(9) proviso.
para. 10	1946 c.35 s.2(10).
para. 11	1946 c.35 s.2(11).
para. 12	1946 c.35 s.2(12).
para. 13	1946 c.35 s.3(1),(7).
para. 14	1946 c.35 s.5.
para. 15	1946 c.35 s.6.

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*Status: Point in time view as at 25/05/2020.*

*Changes to legislation: Town and Country Planning Act 1990 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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para. 16	Drafting.
Sch. 16	1971 c.78 Sch. 21.
Sch. 17	1971 c.78 Sch. 22; 1980 c.66 Sch.24 para. 20(k),(l),(m); 1985 c.51 Sch.4 para. 50.

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**Status:**

Point in time view as at 25/05/2020.

**Changes to legislation:**

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