

Status: Point in time view as at 17/07/1992. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 32.

PLANNING IN ENGLAND AND WALES: MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 27/07/1992

Agricultural Land (Removal of Surface Soil) Act 1953 (c. 10)

- 1 In section 2(3) of the Agricultural Land (Removal of Surface Soil) Act 1953 for the words from “it was determined” to the end there is substituted “ a certificate was issued under section 192 of the Town and Country Planning Act 1990 that the operations would be lawful. ”

Modifications etc. (not altering text)

- C1 Sch. 7 para. 1 restricted (29.6.1992) by S.I. 1992/1630, art. 3(3)

Commencement Information

- I1 Sch. 7 para. 1 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

Local Government Act 1972 (c. 70)

- 2 In Part III of Schedule 12A to the Local Government Act 1972, in the definition of “protected informant”, for “172(3)” there is substituted “ 171A ”.

Commencement Information

- I2 Sch. 7 para. 2 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

VALID FROM 27/07/1992

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

- 3 In section 7(5) of the Local Government (Miscellaneous Provisions) Act 1976 paragraph (a)(iii) is omitted.

Commencement Information

- I3 Sch. 7 para. 3 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

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Rent (Agriculture) Act 1976 (c.80)

- 4 In section 33(4) of the Rent (Agriculture) Act 1976 for the words from “section 63(2)(b)” to the end there is substituted “ section 73A of the Town and Country Planning Act 1990 ”.

Commencement Information

I4 Sch. 7 para. 4 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

Local Government, Planning and Land Act 1980 (c. 65)

- 5 In Part I of Schedule 29 to the Local Government, Planning and Land Act 1980, the following are inserted at the appropriate places among the provisions of the principal Act there listed: 171C, 173A, 187A, 187B, 196A to 196C and 324(1)(b) and (c) and (7).

Commencement Information

I5 Sch. 7 para. 5 wholly in force; Sch. 7 para. 5 not in force at Royal Assent see s. 84(2); in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 5 in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2, Sch. 1

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 6 In section 33 of the Local Government (Miscellaneous Provisions) Act 1982, in subsection (1) for paragraphs (a) to (c) there is substituted—
- “(a) is executed for the purpose of securing the carrying out of works on land in the council’s area in which the other person has an interest, or
- (b) is executed for the purpose of regulating the use of or is otherwise connected with land in or outside the council’s area in which the other person has an interest,

and which is neither executed for the purpose of facilitating nor connected with the development of the land in question. ”

Commencement Information

I6 Sch. 7 para. 6 in force at 25.10.1991, see s. 84(2)(3) and S.I. 1991/2272, art. 3(c)

Housing Act 1988 (c. 50)

- 7 In section 67(3A) of the Housing Act 1988 after “104” there is inserted “ 171C, 171D ”.

Commencement Information

I7 Sch. 7 para. 7 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

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The principal Act

8 The principal Act is amended as follows.

Commencement Information

I8 Sch. 7 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

Part I

- 9 (1) In section 5(1) for “300 and 324(1)(b) and (c) and (7)” there is substituted “ and 300 ”.
- (2) In section 5(3)—
- (a) for “sections 36 to 49, 50(6) to (9), 51” there is substituted “ Part II, sections ”
 - (b) for “64 to 72” there is substituted “ 65, 69 to 72 ”,
 - (c) for “81” there is substituted “ 79 ”,
 - (d) after “106” there is inserted “ to 106B, 171C ”,
 - (e) after “173” there is inserted “ 173A ”,
 - (f) after “184” there is inserted “ 187A, 187B ”,
 - (g) for “215” there is substituted “ 214, 215 ”,
 - (h) after “299” there is inserted “ 299A ”, and
 - (i) for “316(1) to (3) and 324(1)(a)” there is substituted “ 316 and 324(1) and (7) ”.

Commencement Information

I9 Schedule 7 para. 9 wholly in force: para. 9 not in force at Royal Assent see s. 84(2); para 9(2)(c) wholly in force at 25.9.1991 by S.I. 1991/2067, art. 3 (subject to art. 4 of that S.I.); para. 9(2)(h) wholly in force at 25.10.1991 by S.I. 1991/2272, art. 3; para. 9(1)(2)(e)(g) wholly in force and para. 9(2)(d)(f)(i) in force to a certain extent at 2.1.1992 by S.I. 1991/2905 art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 9(2)(a) wholly in force at 10.2.1992 by S.I. 1991/2905, art. 4; para. 9(2)(i) in force at 17.7.1992 in so far as not already in force by S.I. 1992/1491, art. 2, Sch. 1; para. 9(2)(b) wholly in force and para. 9(2)(f) in force in so far as not already in force at 27.7.1992 by S.I. 1992/1630, art. 2, Sch. 1; para. 9(2)(d) in force at 9.11.1992 in so far as not already in force by S.I. 1992/2831, art. 2.

Part III

- 10 (1) In section 56, in subsection (3) after “87(4)” there is inserted “ 89 ”.
- (2) In subsection (4) of that section after paragraph (a) there is inserted—
“(aa) any work of demolition of a building;”.

Commencement Information

I10 Sch. 7 para. 10 wholly in force; para. 10 not in force at Royal Assent see s. 84(2); para. 10(1) wholly in force at 25.9.1991 by S.I. 1991/2067, art. 3; para. 10(2) wholly in force at 27.7.1992 by S.I. 1992/1279, art. 2.

11 Section 63 is omitted.

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Commencement Information

II1 Sch. 7 para. 11 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 27/07/1992

12 Section 64 is omitted.

Commencement Information

II2 Sch. 7 para. 12 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

13 In section 69—
 (a) in subsection (1) “made to that authority”, and
 (b) in subsection (3) “made to the authority”,
 are omitted.

Commencement Information

II3 Sch. 7 para. 13 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

14 In section 70(3) for “sections 65, 66 and 67” there is substituted “ section 65 ”.

Commencement Information

II4 Sch. 7 para. 14 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, **Sch. 1**

15 In section 71(4) for the definitions of “agricultural holding” and “owner” there is substituted—
 ““prescribed” means prescribed by a development order”.

Commencement Information

II5 Sch. 7 para. 15 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, **Sch. 1**

16 (1) After section 73 there is inserted—

“73A Planning permission for development already carried out.

- (1) On an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.
- (2) Subsection (1) applies to development carried out—
 - (a) without planning permission;
 - (b) in accordance with planning permission granted for a limited period;
 or

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- (c) without complying with some condition subject to which planning permission was granted.
- (3) Planning permission for such development may be granted so as to have effect from—
- (a) the date on which the development was carried out; or
 - (b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.”

Commencement Information

I16 Sch. 7 para. 16 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

- 17 In section 74(2) “section 71 of this Act and” is omitted.

Commencement Information

I17 Sch. 7 para. 17 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, Sch. 1

- 18 In section 77(4) for “65(2) and (9), 66, 67, 70, 71(1) and (2), 72(1) and (5) and 73” there is substituted “ 70, 72(1) and (5), 73 and 73A ” and at the end there is inserted “ and a development order may apply, with or without modifications, to an application so referred any requirements imposed by such an order by virtue of section 65 or 71 ”.

Commencement Information

I18 Sch. 7 para. 18 wholly in force; para. 18 not in force at Royal Assent see s. 84(2); para. 18 in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 18 in force at 17.7.1992 insofar as not already in force by S.I. 1992/1491, art. 2, Sch. 1

- 19 In section 79(4) for “66, 67, 70, 71(2), 72(1) and (5) and 73” there is substituted “ 70, 72(1) and (5), 73 and 73A ” and at the end there is inserted “ and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71 ”.

Commencement Information

I19 Sch. 7 para. 19 wholly in force; para. 19 not in force at Royal Assent see s. 84(2); in force to a certain extent at 2.1.1992 by S.I. 1991/2905, arts. 3, Sch. 1 (subject to art. 5 of that S.I.); in force at 17.7.1992 insofar as not already in force by S.I. 1992/1491, art. 2, Sch. 1

- 20 In section 91(4)(b), for the words from “granted” to the end there is substituted “ granted for development carried out before the grant of that permission ”.

Commencement Information

I20 Sch. 7 para. 20 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

- 21 In section 102, for subsections (4) and (5) there is substituted—

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- “(4) The planning permission which may be granted by an order under this section includes planning permission, subject to such conditions as may be specified in the order, for development carried out before the date on which the order was submitted to the Secretary of State under section 103.
- (5) Planning permission for such development may be granted so as to have effect from—
- (a) the date on which the development was carried out; or
 - (b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.”

Commencement Information

I21 Sch. 7 para. 21 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

Part VII

- 22 In section 174(6) “in writing” is omitted.

Commencement Information

I22 sch. 7 para. 22 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

- 23 For section 176(1) and (2) there is substituted—
- “(1) On an appeal under section 174 the Secretary of State may—
- (a) correct any defect, error or misdescription in the enforcement notice; or
 - (b) vary the terms of the enforcement notice,
- if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (2) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.”

Commencement Information

I23 Sch. 7 para. 23 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

- 24 (1) In section 177(1)—
- (a) for paragraph (a) there is substituted—
 - “(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;” and
 - (b) for paragraph (c) there is substituted—

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“(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

- (a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
- (b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194”.

(2) For section 177(3) there is substituted—

“(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.”

(3) In section 177(5) for “for the development to which the notice relates” there is substituted “in respect of the matters stated in the enforcement notice as constituting a breach of planning control”.

Commencement Information

I24 Sch. 7 para 24 wholly in force; para. 24 not in force at Royal Assent see s. 84(2); para. 24(1)(a)(2)(3) wholly in force at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 24(1)(b) in force at 27.7.1992 by S.I. 1992/1630, art. 2, Sch. 1

25 In section 178(2) “(as defined in section 172(3))” is omitted.

Commencement Information

I25 Sch. 7 para. 25 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

26 For section 180 there is substituted—

“180 Effect of planning permission, etc., on enforcement or breach of condition notice.

(1) Where, after the service of—

- (a) a copy of an enforcement notice; or
- (b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

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- (2) Where after a breach of condition notice has been served any condition to which the notice relates is discharged, the notice shall cease to have effect so far as it requires any person to secure compliance with the condition in question.
- (3) The fact that an enforcement notice or breach of condition notice has wholly or partly ceased to have effect by virtue of this section shall not affect the liability of any person for an offence in respect of a previous failure to comply, or secure compliance, with the notice.”

Commencement Information

I26 Sch. 7 para. 26 wholly in force; para. 26 in force for certain purposes at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 26 in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2, Sch. 1

- 27 In section 181—
- (a) in subsections (1)(a), (4)(b) and (5)(b) for “demolition”, in each place where it occurs, there is substituted “ removal ”;
 - (b) in subsections (3), (4) and (5) for “demolished”, in each place where it occurs, there is substituted “ removed ”; and
 - (c) in subsection (5)(b) for “any of the provisions of section 179(1) to (5)” there is substituted “ section 179(2) ”.

Commencement Information

I27 Sch. 7 para. 27 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

- 28 In section 184—
- (a) in subsection (4)(b) for “compliance period” there is substituted “ period for compliance with the enforcement notice ”;
 - (b) in subsection (5) for the words from “included” to the end there is substituted “ relevant activities ”;
 - (c) in subsection (8) for “172(6)” there is substituted “ 172 ”.

Commencement Information

I28 Sch. 7 para. 28 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

- 29 In section 186—
- (a) in subsection (1)(b) for the words from “matters” to the end there is substituted “ any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity ”; and
 - (b) in subsection (1)(c) the words from “or for its retention” to “granted” are omitted;
 - (c) in subsection (2) for the words from “so much” to the end there is substituted “ the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities ”.

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Commencement Information

I29 Sch. 7 para. 29 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5 Sch. 1

VALID FROM 27/07/1992

- 30 In section 188—
- (a) after subsection (1)(b) there is inserted “and
 - (c) to breach of condition notices”, and the “and” immediately preceding paragraph (b) is omitted;
 - (b) in subsection (2)(a) for “or stop notice” there is substituted “ stop notice or breach of condition notice ”, and
 - (c) in subsection (2)(b) after “stop notices” there is inserted “ and breach of condition notices ”.

Commencement Information

I30 Sch. 7 para. 30 wholly in force at 27.7.1992 see s. 84(2) and S.I. 1992/1630, art. 2, Sch. 1

- 31 Section 190(4) is omitted.

Commencement Information

I31 Sch. 7 para. 31 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

VALID FROM 27/07/1992

- 32 In section 195—
- (a) in subsection (1) for “an established use certificate” there is substituted “ a certificate under section 191 or 192 ”,
 - (b) in subsection (2) for “an established use certificate” there is substituted “ a certificate under section 191 or, as the case may be, 192 ”, and
 - (c) for subsection (4) there is substituted—
 - “(4) References in this section to a refusal of an application in part include a modification or substitution of the description in the application of the use, operations or other matter in question.”

Commencement Information

I32 Sch. 7 para. 32 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

VALID FROM 27/07/1992

- 33 In section 196—

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- (a) in subsection (1) “an application referred to him under section 192(5) or” is omitted and for “applicant or appellant (as the case may be)” there is substituted “ appellant ”,
- (b) in subsection (2) for “an established use certificate on such a reference or” there is substituted “ a certificate under section 191 or 192 on ”,
- (c) in subsection (3) “application or” is omitted,
- (d) in subsection (4) for “established use certificates” there is substituted “ certificates under section 191 or 192 ”, and
- (e) subsections (5) to (7) are omitted.

Commencement Information

I33 Sch. 7 para. 33 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

Part VIII

34 In section 198(4)(a) “to 68” is omitted.

Commencement Information

I34 Sch. 7 para. 34 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, Sch. 1

35 In section 216(6) for “£40” there is substituted “ one-tenth of level 3 on the standard scale ”.

Commencement Information

I35 Sch. 7 para. 35 in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, arts. 3,5

36 Section 219(6) is omitted.

Commencement Information

I36 Sch. 7 para. 36 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

37 In section 220(3)(a) “to 68” is omitted.

Commencement Information

I37 Sch. 7 para. 37 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, Sch. 1

38 In section 224(3) for “£40” there is substituted “ one-tenth of level 3 on the standard scale ”.

Commencement Information

I38 Sch. 7 para. 38 wholly in force at 6.4.1992 see s. 84(2) and S.I. 1992/665, art. 2.

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Part X

39 Section 250(2) is omitted.

Commencement Information

I39 Sch. 7 para. 39 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

VALID FROM 27/07/1992

Part XI

40 Section 266(3) is omitted.

Commencement Information

I40 Sch. 7 para. 40 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

Part XII

VALID FROM 27/07/1992

41 In section 284(3)(g) the words from “on an application” to “or” are omitted.

Commencement Information

I41 Sch. 7 para. 41 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

42 In section 285—
(a) in subsection (1) “Subject to the provisions of this section” is omitted;
(b) in subsection (2) “(6) to (8)” is omitted; and
(c) subsections (5) and (6) are omitted.

Commencement Information

I42 Sch. 7 para. 42 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

VALID FROM 27/07/1992

43 In section 286—

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- (a) in subsection (1), paragraph (b) is omitted and in paragraph (c) for “an established use certificate under section 192” there is substituted “ a certificate under section 191 or 192 ”, and
- (b) in subsection (2), after “183” there is inserted “ or a breach of condition notice under section 187A ”.

Commencement Information

I43 Sch. 7 art. 43 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

VALID FROM 27/07/1992

44 Section 290 is omitted.

Commencement Information

I44 Sch. 7 para. 44 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

Part XIII

- 45 (1) In section 296, in subsection (1)(c) after “VII” there is inserted “ except sections 196A and 196B ”.
- (2) In subsection (2)(a) of that section for “172” there is substituted “ 171C, 172, 173A, 183, 187A, 187B ”.

Commencement Information

I45 Sch. 7 para. 45 wholly in force; para. 45 not in force at Royal Assent see s. 84(2); para. 45(1) wholly in force and para. 45(2) in force for certain purposes at 2.9.1992 by S.I. 1991/2905, arts. 3, 5, Sch. 1; para. 45(2) in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2, Sch. 1

VALID FROM 27/07/1992

- 46 (1) Section 299 is amended as follows.
- (2) In subsection (1) for “determination under section 64” there is substituted “ certificate under section 192 ”.
- (3) In subsection (2) for “or determination” there is substituted “ or certificate ”.
- (4) For subsection (4) there is substituted—
- “(4) Any application made by virtue of this section for a certificate under section 192 shall be determined as if the land were not Crown land.”
- (5) In subsection (5)(a) for “determinations” there is substituted “ certificates ”.
- (6) In subsection (6) for “determination” there is substituted “ certificate ”.

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Commencement Information

I46 Sch. 7 para. 46 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, Sch. 1

Part XIV

47 In section 306(2)(b) and (3) after “VII”, in both places where it occurs, there is inserted “ except sections 196A and 196B ”.

Commencement Information

I47 Sch. 7 para. 47 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

Part XV

48 After section 316 there is inserted—

“316A Local planning authorities as statutory undertakers.

In relation to statutory undertakers who are local planning authorities, section 283 and the provisions specified in that section shall have effect subject to such exceptions and modifications as may be prescribed.”

Commencement Information

I48 Sch. 7 para. 48 wholly in force; para. 48 not in force at Royal Assent see s. 84(2); para. 48 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2; para. 48 in force at 17.7.1992 insofar as not already in force by S.I. 1992/1491, art. 2, Sch. 1

49 For section 319 there is substituted—

“319 The Isles of Scilly.

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order under this section may in particular provide for the exercise by the Council of the Isles of Scilly of any functions exercisable by a local planning authority or mineral planning authority.
- (3) Before making an order under this section the Secretary of State shall consult with that Council.”

Commencement Information

I49 Sch. 7 para. 49 wholly in force; para. 49 not in force at Royal Assent see s. 84(2); para. 49 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, art. 2; para. 49 in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2, Sch. 1

50 (1) Section 325 is amended as follows.

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- (2) In subsection (1)(a) after “authority” there is inserted “ and state the purpose of his entry ”.
- (3) In subsection (2), for “level 2” there is substituted “ level 3 ”.
- (4) In subsection (4), for “premises” there is substituted “ land ”.

Commencement Information

I50 Sch. 7 para. 50 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

51 At the end of section 329 there is inserted—

“(4) This section is without prejudice to section 233 of the ^{M1}Local Government Act 1972 (general provisions as to service of notices by local authorities).”

Commencement Information

I51 Sch. 7 para. 51 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations

M1 1972 c. 70.

52 (1) Section 336 is amended as follows.

(2) In subsection (1)—

- (a) after the definition of “authority to whom Part II of the 1959 Act applies” there is inserted—

““breach of condition notice” has the meaning given in section 187A;

“breach of planning control” has the meaning given in section 171A”;

- (b) at the end of the definition of “buildings or works” there is inserted “ and references to the removal of buildings or works include demolition of buildings and filling in of trenches ”; and

- (c) for the definition of “building operations” there is substituted—

““building operations” has the meaning given by section 55”;

- (d) the definition of “established use certificate” is omitted,

- (e) in the definition of “owner” the words “(except in sections 66, 67 and 71)” are omitted,

- (f) after the definition of “the planning Acts” there is inserted—

““planning contravention notice” has the meaning given in section 171C”, and

- (g) in the definition of “planning permission” the words from “and in construing” to the end are omitted.

- (3) In subsection (9) for “in Part V of Schedule 16” there is substituted “ of Parts III, VII and VIII ” and “(1) to (3)” is omitted.

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(4) In subsection (10) for “sections 324(2) and” there is substituted “ section ”.

Modifications etc. (not altering text)

C2 Sch. 7 para. 52(2)(c) restricted (1.6.1992) by S.I. 1992/1279, art.3

Commencement Information

I52 Sch. 7 para. 52 wholly in force; para. 52 not in force at Royal Assent see s. 84(2); para. 52(1)(2)(b)(f)(g)(4) wholly in force and para. 52(2)(a) in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 52(2)(e)(3) wholly in force at 17.7.1992 by S.I. 1992/1491, art. 2, Sch. 1; para. 52(2)(c) wholly in force at 27.7.1992 by S.I. 1992/1279, art. 2 (subject to art. 3 of that S.I.); para. 52(2)(a) in force insofar as not already in force and para. 52(2)(d) wholly in force at 27.7.1992 by S.I. 1992/1630, art. 2, Sch. 1

Schedules

- 53 (1) Schedule 1 is amended as follows.
- (2) For paragraph 3(1)(b) and (c) there is substituted—
“(b) applications for a certificate under section 191 or 192”.
- (3) In paragraph 4(2) for “such application relating” there is substituted “ application for planning permission, for a certificate under section 191 or 192 or for consent to the display of advertisements under section 220, relating in each case ”.
- (4) In paragraph 7(1) for “sections 70 and 71” there is substituted “ section 70 ”.
- (5) For paragraph 8 there is substituted—
“8 (1) A local planning authority who have the function of determining applications for planning permission shall, if requested to do so by the council of any parish or community 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 or community; 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 state that the 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 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,

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and any notification falling within paragraph (b) shall be in writing.

- (5) An authority shall comply with their duty 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;
 - (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.”
- (6) In paragraph 11(1)(b), after “serving” there is inserted “ planning contravention notices under section 171C or ” and after “section 183” there is inserted “ or breach of condition notices under section 187A ”.
- (7) After paragraph 12 there is inserted—
- “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”.
- (8) In paragraph 20, in sub-paragraph (1), for “100(3), 104(3) or 202(1)” there is substituted “ 100(3), 104(3), 196A(3), 202(1) or 214B(6) ”.
- (9) For sub-paragraph (3) of that paragraph there is substituted—
- “(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.”

Commencement Information

I53 Sch. 7 para. 53 wholly in force; para. 53 not in force at Royal Assent see s. 84(2); para. 53(9) wholly in force at 25.10.1991 by S.I. 1991/2272, art. 3(1)(c); para. 53(3)(5)(6) in force at 2.1.1992 to a certain extent and para. 53(7)(8) wholly in force at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 53(3) in force at 6.4.1992 in so far as not already in force by S.I. 1992/665, art. 2; para. 53(4) wholly in force at 17.7.1992 by S.I. 1992/1491, art. 2, Sch. 1; para. 53(2) wholly in force and para. 53(6) in force insofar as not already in force at 27.7.1992 by S.I. 1992/1630, art. 2, Sch. 1; para. 53(5) in force at 9.11.1991 in so far as not already in force by S.I. 1992/2831, art. 2 (subject to art. 3 of that S.I.).

- 54 (1) Schedule 6 is amended as follows.
- (2) In paragraph 1(1), after “78” there is inserted “ 106B ”.
 - (3) In paragraph 2—

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- (a) in sub-paragraph (1)(a), for “subsections (1) and (4)” there is substituted “subsections (1), (4) and (6A) ”;
- (b) after that sub-paragraph there is inserted—
 - “(aa) in relation to an appeal under section 106B, as he has under that section”;
- (c) in sub-paragraph (1)(b), after “(2)” there is inserted “ to (2A) ”;
- (d) in sub-paragraph (1)(c) “and subsection (5) of section 196” is omitted;
- (e) in sub-paragraph (1)(d) for “and (8)” there is substituted “ to (8A) ”;
- (f) in sub-paragraph (2) after “79(2)” there is inserted “ 106B(4) ”; and
- (g) in sub-paragraph (8) “or 290” is omitted.

(4) In paragraphs 3(2) and 4(2) after “under” there is inserted “ any provision of a development order made by virtue of ”.

Commencement Information

I54 Sch. 7 para. 54 wholly in force; para. 54 not in force at Royal Assent see s. 84(2); para. 54(1)(3)(a) wholly in force at 25.9.1991 by S.I. 1991/2067, art. 3; para. 54(3)(c)(e) wholly in force at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 54(4) wholly in force at 17.7.1992 by S.I. 1992/1491, art. 2, Sch. 1; para. 54(3)(d)(g) wholly in force at 27.7.1992 by S.I. 1992/1630, art. 2, Sch. 1; para. 54(2)(3)(b)(f) wholly in force at 9.11.1992 by S.I. 1992/2831, art. 2.

55 In Schedule 8, in paragraphs 3(2) and 4(5)(a) for “section 71(1) or (2)” there is substituted “ any provision of a development order made by virtue of section 71(2)(a) ”.

Commencement Information

I55 Sch. 7 para. 55 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, Sch. 1

56 In Schedule 13, in paragraph 5, for “functions of a government department, local authority or statutory undertakers” there is substituted “ such functions as are mentioned in paragraph 1(a)(i) or (ii). ”

Commencement Information

I56 Sch. 7 para. 56 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3

57 (1) Schedule 16 is amended as follows.

(2) In Part I—

- (a) in the entry relating to sections 61 to 64 for “to 64” there is substituted “ and 62 ”;
- (b) after the entry for section 70 there is inserted— “ Section 70A. ”;
- (c) after the entry relating to section 72(1) to (4) there is inserted— “ Section 73A. ”;
- (d) in the entry relating to section 77, “(2) and (9), 66 and 67” is omitted,
- (e) in the entry relating to sections 78 and 79, the words from “with” to the end are omitted,

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- (f) for the entry relating to section 106 there is substituted— “ Sections 106 to 106B. ”,
 - (g) after the entry relating to section 190 there is inserted—
 “Section 192.
 Sections 196A to 196C.”,
 - (h) after the entry relating to section 211(4) there is inserted— “ Sections 214A to 214D. ”,
 - (i) in the entry relating to section 285, “except subsections (5) and (6)” is omitted,
 - (j) in the entry relating to section 296, for “sections 65 to 68” there is substituted “ section 65 ”, and
 - (k) for the entry relating to section 316 there is substituted— “ Sections 316 and 316A. ”
- (3) In Part II—
- (a) for the entries relating to sections 65 and 68 there is substituted— “ Section 65. ”,
 - (b) in the entry for section 79 for “and” there is substituted “ to ”,
 - (c) after the entry relating to section 166 there is inserted— “ Sections 171A to 171D. ”,
 - (d) for the entry relating to section 187 there is substituted— “ Sections 187 to 187B. ”
- (4) In Part III—
- (a) for the first three entries there is substituted— “ Sections 109 to 112. ”,
 - (b) the entries relating to sections 312(2) and 324(4) are omitted, and
 - (c) for the entry relating to sections 327 and 328 there is substituted— “ Section 328. ”
- (5) Parts IV and V are omitted.
- (6) In Part VI—
- (a) for the entries relating to sections 65 to 68 there is substituted— “ Section 65. ”,
 - (b) in the entry relating to section 71 for “and (2)” there is substituted “ (2) and (2A) ”,
 - (c) for the entry relating to sections 290 and 291 there is substituted— “ Section 291. ”, and
 - (d) in the entry relating to section 296 for “sections 65 to 68” there is substituted “ section 65 ”.

Commencement Information

I57 Sch. 7 para. 57 wholly in force; para. 57 not in force at Royal Assent see s. 84(2); para. 57(1)(2)(b)(3)(b) (4) wholly in force at 25.9.1991 by S.I. 1991/2067, art. 3; para. 57(2)(c)(h)(i)(3)(c) wholly in force and para. 57(2)(a)(g)(3)(d) in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 57(2)(d)(e)(j)(k)(3)(a)(6)(a)(b)(d) wholly in force and para. 57(5) in force to a certain extent at 17.7.1992 by S.I. 1992/1491, art. 2, Sch. 1; para. 57(2)(a)(g)(3)(d)(5) in force in so far as not already in force and para. 57(6)(c) wholly in force at 27.7.1992 by S.I. 1992/1630, art. 2, Sch. 1; para. 57(2)(f) wholly in force at 9.11.1992 by S.I. 1992/2831, art. 2.

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Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

58 In section 59(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for “£40” there is substituted “ one-tenth of level 3 on the standard scale ”.

Commencement Information

I58 Sch. 7 para. 58 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

59 For section 67(8) of that Act there is substituted—

“(8) In this section references to planning permission do not include references to planning permissions falling within section 73A of the principal Act.”

Commencement Information

I59 Sch. 7 para. 59 wholly in force at 2.1.1992 see s. 84(2)(3) and s.I. 1991/2905, arts. 3,5, Sch. 1

60 For section 73(2) of that Act there is substituted—

“(2) In this section references to planning permission do not include references to planning permissions falling within section 73A of the principal Act.”

Commencement Information

I60 Sch. 7 para. 60 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

61 For paragraph 3 of Schedule 4 to that Act (distribution of functions: National Parks) there is substituted—

“3 Where an application for listed building consent under section 10 relating to land in a National Park falls to be determined by a county planning authority, that authority—

- (a) shall send a copy of the application, as soon as practicable and in any event not later than seven days after they have received it, to the district planning authority for the area in which the land to which the application relates is situated; and
- (b) shall before determining the application consult the district planning authority.”

Commencement Information

I61 Sch. 7 para. 61 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, Sch. 1

Status:

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Changes to legislation:

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