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STATUTORY INSTRUMENTS

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**1992 No. 1630 (C. 54)**

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

**The Planning and Compensation Act 1991 (Commencement  
No. 11 and Transitional Provisions) Order 1992**

*Made - - - - 29th June 1992*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 84(2) and (3) of the Planning and Compensation Act 1991(1) and all other powers enabling them in that behalf, hereby make the following Order—

**Citation and interpretation**

1.—(1) This order may be cited as the Planning and Compensation Act 1991 (Commencement No. 11 and Transitional Provisions) Order 1992.

(2) In this order—

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

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

**Provisions coming into force on 27th July 1992**

2. Subject to article 3, the following provisions of the 1991 Act shall come into force on 27th July 1992—

section 2;

section 4, so far as it is not yet in force;

section 10, so far as it is not yet in force;

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

section 84(6), so far as it gives effect to the repeals in Part 1 of Schedule 19 specified in Schedule 2 to this Order.

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(1) 1991 c. 34.  
(2) 1990 c. 8.

### **Transitional provisions**

3.—(1) The amendments to the 1990 Act brought into force by this Order shall not apply with respect to applications made under section 64(1) or 192(1) of that Act (as originally enacted) before the coming into force of this Order (and accordingly that Act shall continue to apply to such applications (and to appeals made following the refusal or it was in force immediately before the coming into force of this Order)).

(2) Without prejudice to paragraph (1), subsection (4) of section 192 of the 1990 Act, as originally enacted, shall continue to apply for the purpose of established use certificates (within the meaning of that section) granted under that Act notwithstanding the repeal of that subsection by section 10(1) of the 1991 Act.

(3) The amendment made to section 2(3) of the Agricultural Land (Removal of Surface Soil) Act, 1953(3) by paragraph 1 of Schedule 7 to the 1991 Act and the repeal of paragraph 3(2) of the Planning (Consequential Provisions) Act 1990(4) shall not apply for the purposes of proceedings brought under the 1953 Act in respect of operations where, before the carrying out of the operations, it was determined under section 64 of the 1990 Act that the operations would not fall within section 1(1) (b) of the 1953 Act.

Signed by authority of the Secretary of State for the Environment

25th June 1992

*Sir George Young*  
Minister of State,  
Department of the Environment

29th June 1992

*David Hunt*  
Secretary of State for Wales

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(3) 1953 c. 10.  
(4) 1990 c. 11.

SCHEDULE 1

Article 2

EXTENT OF COMMENCEMENT OF SCHEDULE 7

Provision	Extent of commencement
Paragraphs 1 and 3	
Paragraph 5	so far as not yet in force
Paragraph 9(2)(b)	
Paragraph 9(2)(f)	so far as not yet in force
Paragraph 12	
Paragraph 24(1)(b)	
Paragraph 26	so far as not yet in force
Paragraphs 30, 32 and 33	
Paragraphs 39, 40, 41, 43, 44	
Paragraph 45(2)	so far as not yet in force
Paragraph 46	
Paragraph 49	so far as not yet in force
Paragraph 52(2)(a)	so far as not yet in force
Paragraph 52(2)(d)	
Paragraph 53(2)	
Paragraph 53(6)	so far as not yet in force
Paragraph 54(3)(d) and (g)	
Paragraph 57(2)(a)	so far as not yet in force
Paragraph 57(2)(g)	so far as not yet in force
Paragraph 57(3)(d)	so far as not yet in force
Paragraph 57(5)	so far as not yet in force
Paragraph 57(6)(c)	

SCHEDULE 2

Article 2

REPEALS IN PART I OF SCHEDULE 19

Chapter	Short Title	Extent of Repeal
<a href="#">1976 c. 57.</a>	Local Government (Miscellaneous Provisions) Act 1976	In section 7(5) paragraph (a) (iii).
<a href="#">1990 c. 8.</a>	Town and Country Planning Act 1990	Section 64.

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Chapter	Short Title	Extent of Repeal
		In section 188(1) the “and” immediately preceding paragraph (b).
		In section 196 “an application referred to him under section 192(5) or” (in subsection (1)), and “an application or” (in subsection (3)), and subsections (5) to (7).
		Section 250(2).
		Section 266(3).
		In section 284(3)(g) the words from “on an application” to “or”.
		Section 286(1)(b).
		Section 290.
		In section 336(1) the definition of “established use certificate”.
		In Schedule 6, in paragraph 2, in sub-paragraph (1)(c) “and subsection (5) of section 196” and in sub-paragraph (8) “or 290”.
		In Schedule 16, Part IV.
1990 c. 11.	Planning (Consequential Provisions) Act 1990	In Schedule 2, paragraphs 3(2) and 35(1)(b).

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Article 2 of this Order brings into force on 27th July 1992 the following provisions of the Planning and Compensation Act 1992—

section 2 (enforcement of conditions);

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section 4 (time-limits on enforcement action), so far as it relates to breach of condition notices;  
section 10 (certificates of lawful use or development);

section 32 (minor and consequential amendments), so far as it relates to the provisions of Schedule 7 to the 1991 Act listed in Schedule 1 to this Order, and to the extent specified in that Schedule; and

section 84(6) (repeals), so far as it relates to the repeals in Part 1 of Schedule 19 to the 1991 Act specified in Schedule 2 to this Order.

Article 3 contains transitional provisions.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Orders)*

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

Provision	Date of commencement	S.I. No.
s.1 (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.3 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.3 (so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.4 (partially) (England and Wales)		
s.5 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.5 (so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.6 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.6(6) (England and Wales)	13th October 1991	<a href="#">1991/2272</a>
s.6 (so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
ss.7 and 9 (England and Wales)		
s.10 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.11 (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.12(1) (partially) (England and Wales)	25th October 1991	<a href="#">1991/2272</a>
s.12(1)(partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.12(2), (3) (England and Wales)	25th October 1991	<a href="#">1991/2272</a>

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Provision	Date of commencement	S.I. No.
s.13 (England and Wales)	27th July 1992	<a href="#">1992/1279</a>
s.13(2) (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.13(2) (so far as not yet in force) (England and Wales)	27th July 1992	<a href="#">1992/1279</a>
s.13(3) (England and Wales)	27th July 1992	<a href="#">1992/1279</a>
s.14 (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.15 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.16 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.16 (so far as not yet in force) (England and Wales)	17th July 1992	<a href="#">1992/1491</a>
ss.17 and 18 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.19 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.19 (partially) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.19 (so far as not yet in force) (England and Wales)	6th April 1992	<a href="#">1991/665</a>
s.20 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.20 (so far as not yet in force) (England and Wales)	17th July 1992	<a href="#">1992/1491</a>
ss.21 and 22 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.23(7) (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.23 so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.24 (England and Wales)	6th April 1992	<a href="#">1992/665</a>
s.25 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.25 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.25 (so far as not yet in force) (England and Wales)	2nd January 1991	<a href="#">1991/2905</a>
s.26 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.27 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>

Provision	Date of commencement	S.I. No.
s.27 (so far as not yet in force) (England and Wales)	10th February 1992	<a href="#">1991/2905</a>
s.28 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.29 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.30 (partially) (England and Wales)	2nd January 1992	<a href="#">1991/2728</a>
s.31 (so far as not yet in force) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.32 (partially) (England and Wales)	25th October 1991	<a href="#">1991/2272</a>
s.32 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
s.32 (partially) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.32 (partially) (England and Wales)	10th February 1992	<a href="#">1991/2905</a>
s.32 (partially) (England and Wales)	6th April 1992	<a href="#">1992/665</a>
s.32 (partially) (England and Wales)	17th July 1992	<a href="#">1992/1491</a>
s.32 (partially) (England and Wales)	27th July 1992	<a href="#">1992/1279</a>
s.33 (Scotland)	26th March 1992	<a href="#">1992/334</a>
s.35 (Scotland)		
s.36 (partially) (Scotland)		
s.37 (partially) (Scotland)	24th February 1992	<a href="#">1992/334</a>
s.37 (so far as not yet in force) (Scotland)	26th March 1992	<a href="#">1992/334</a>
ss.38 to 41 (Scotland)		
s.43 (Scotland)		
ss.47 48 (Scotland)	25th September 1991	<a href="#">1991/2092</a>
s.49 (Scotland)	24th January 1992	<a href="#">1992/71</a>
s.50 (Scotland)	25th September 1991	<a href="#">1991/2092</a>
ss.51 to 53 (Scotland)	24th January 1992	<a href="#">1992/71</a>
s.54 (Scotland)	26th March 1992	<a href="#">1992/334</a>
s.56 (Scotland)		
s.57 (partially) (Scotland)	25th September 1991	<a href="#">1992/2092</a>

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Provision	Date of commencement	S.I. No.
s.57 (partially) (Scotland)	26th March 1992	<a href="#">1992/334</a>
s.60 (so far as not yet in force) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
s.61 (partially) (Scotland)	13th October 1991	<a href="#">1991/2272</a>
s.61 (partially) (Scotland)	26th March 1992	<a href="#">1992/334</a>
ss.62 to 69 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.70 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.70 (so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2728</a>
s.71 to 79 (Scotland)	25th September 1991	<a href="#">1991/2092</a>
s.80 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.80 (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
s.80 (so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2728</a>
s.81 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.82 (Scotland)	26th March 1992	<a href="#">1992/334</a>
s.83 (England, Wales, Scotland and Northern Ireland)	25th October 1991	<a href="#">1991/2272</a>
s.84(6) (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.84(6) (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
s.84(6) (partially) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
s.84(6) (partially) (England and Wales)	10th February 1992	<a href="#">1991/2905</a>
s.84(6) (partially) (England and Wales)	6th April 1992	<a href="#">1992/665</a>
s.84(6) (partially) (England and Wales)	17th July 1992	<a href="#">1992/1491</a>
Sch. 1 and 2 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
Sch. 3 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
Sch. 3 (so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
Sch. 4 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>



Provision	Date of commencement	S.I. No.
Sch. 4 (so far as not yet in force) (England and Wales)	10th February 1992	<a href="#">1991/2905</a>
Sch. 5 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
Sch. 6 (so far as not yet in force) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
Sch. 7 (partially) (England and Wales)	25th October 1991	<a href="#">1991/2272</a>
Sch. 7 (partially) (England and Wales)	25th November 1991	<a href="#">1991/2728</a>
Sch. 7 (partially) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>
Sch. 7 (partially) (England and Wales)	10th February 1992	<a href="#">1992/2905</a>
Sch. 7 (partially) (England and Wales)	6th April 1992	<a href="#">192/665</a>
Sch. 7 (partially) (England and Wales)	17th July 1992	<a href="#">1992/1491</a>
Sch. 8 and 9 (Scotland)	29th January 1992	<a href="#">1992/71</a>
Sch. 10 (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
Sch. 10 (partially) (Scotland)	26th March 1992	<a href="#">1992/334</a>
Sch. 12 (Scotland)	25th September 1991	<a href="#">1991/2092</a>
Sch. 13 (partially) (Scotland)	13th October 1991	<a href="#">1991/2272</a>
Sch. 13 (partially) (Scotland)	26th March 1992	<a href="#">1992/334</a>
Sch. 14 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
Sch. 15 (so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2728</a>
Schs. 16 and 17 (Scotland)	25th September 1991	<a href="#">1991/2092</a>
Sch. 18 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
Sch. 18 (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
Sch. 18 (so far as not yet in force) (England and Wales)	2nd January 1992	<a href="#">1991/2728</a>
Sch. 19 (partially) (England, Wales and Scotland)	25th September 1991	<a href="#">1991/2067</a>
Sch. 19 (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
Sch. 19 (partially) (England and Wales)	2nd January 1992	<a href="#">1991/2905</a>

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Sch. 19 (partially) (England and Wales)	10th February 1992	<a href="#">1991/2905</a>
Sch. 19 (partially) (Scotland)	26th March 1992	<a href="#">1992/334</a>
Sch. 19 (partially) (England and Wales)	6th April 1992	<a href="#">1992/665</a>
Sch. 19 (partially) (England and Wales)	17th July 1992	<a href="#">1992/1491</a>