
STATUTORY INSTRUMENTS

2005 No. 204 (C.8)

TOWN AND COUNTRY PLANNING, ENGLAND

**The Planning and Compulsory Purchase Act 2004
(Commencement No.4 and Savings) Order 2005**

Made - - - - 3rd February 2005

The Secretary of State, in exercise of the powers conferred upon him by section 121(1) and (2) and section 122(3) of the Planning and Compulsory Purchase Act 2004⁽¹⁾, and after consultation⁽²⁾ with the National Assembly for Wales, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 4 and Savings) Order 2005.

(2) In this Order “the Act” means the Planning and Compulsory Purchase Act 2004.

Provisions coming into force on 7th March 2005 in relation to England

2. To the extent to which they are not already in force, sections 52 and 53 of the Act shall come into force in relation to England on 7th March 2005.

Provisions coming into force on 1st April 2005 in relation to England

3. Subject to article 4 and to the extent to which they are not already in force, section 55 of, and Schedule 2 to, the Act shall come into force in relation to England on 1st April 2005.

Savings

4.—(1) This paragraph applies to a decision mentioned in paragraph (1) or (2) of Schedule 2 to the Act which is to be taken on or after 1st April 2005 following the holding of an inquiry⁽³⁾ or hearing⁽⁴⁾ which closed before that date.

(2) This paragraph applies to a decision mentioned in paragraph (1) or (2) of Schedule 2 to the Act which is to be taken on or after 1st April 2005 where—

(1) 2004 c. 5

(2) As to consultation with the National Assembly for Wales, *see* section 121(2).

(3) *see* the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (S.I. 2000/1624).

(4) *see* the Town and Country Planning (Hearings Procedure) (England) Rules 2000 (S.I. 2000/1626).

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- (a) the decision relates to an appeal which is to be disposed of on the basis of written representations⁽⁵⁾ following a visit to the site which is the subject of the appeal; and
 - (b) that visit took place before that date.
- (3) Schedule 2 to the Act shall have no effect in relation to a decision to which paragraph (1) or (2) above applies.

Signed by the authority of the First Secretary of State

3rd February 2005

Keith Hill
Minister of State, Office of the Deputy Prime
Minister

(5) *see the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000 (S.I. 2000/1628).*

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 7th March 2005, in relation to England, the following provisions of the Planning and Compulsory Purchase Act 2004 (“the Act”) in so far as they are not already in force—

Section 52 (temporary stop notice)

Section 53 (fees and charges)

Article 3 of this Order brings into force on 1st April 2005, in relation to England, the following provisions of the Act in so far as they are not already in force—

Section 55 (time in which Secretary of State to take decisions)

Schedule 2 (timetable for decisions).

Article 4 of this Order makes a saving for the purposes of the provisions contained in Schedule 2 to the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3 (partially)	6th August 2004	2004/2097
Sections 1 to 3 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 4 as to England	28th September 2004	2004/2202
Section 5 (partially)	6th August 2004	2004/2097
Section 5 as to England (in so far as not already in force)	28th September 2004	2004/2202
Sections 6 and 7 as to England	28th September 2004	2004/2202
Section 8 (partially)	6th August	2004/2097
Section 8 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 9 as to England	28th September 2004	2004/2202
Sections 10 to 15 (partially)	6th August 2004	2004/2097
Sections 10 to 15 as to England (in so far as not already in force)	28th September 2004	2004/2202

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 16 (partially)	6th August 2004	2004/2097
Section 16 as to England (in so far as not already in force)	28th September	2004/2202
Section 17 (partially)	6th August 2004	2004/2097
Section 17 as to England (in so far as not yet already in force)	28th September 2004	2004/2202
Section 18 as to England	28th September 2004	2004/2202
Sections 19 to 22 (partially)	6th August 2004	2004/2097
Sections 19 to 22 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 23 as to England	28th September 2004	2004/2202
Sections 24 to 26 (partially)	6th August 2004	2004/2097
Sections 24 to 26 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 27 as to England	28th September 2004	2004/2202
Sections 28 and 29 (partially)	6th August 2004	2004/2097
Section 28 and 29 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 30 as to England	28th September 2004	2004/2202
Section 31 (partially)	6th August 2004	2004/2097
Section 31 as to England (in so far as not yet already in force)	28th September 2004	2004/2202
Section 32 to 34 as to England	28th September 2004	2004/2202
Sections 35 and 36 (partially)	6th August 2004	2004/2097
Sections 35 and 36 as to England (in so far as not already in force)	28th September 2004	2004/2202
Sections 37 to 39 as to England	28th September 2004	2004/2202
Sections 40 to 42 (partially)	6th August 2004	2004/2097
Section 44 (partially)	6th August 2004	2004/2097
Sections 46 to 50 (partially)	6th August 2004	2004/2097
Sections 52 to 54 (partially)	6th August 2004	2004/2097
Section 56 as to England and Wales	28th September 2004	2004/2202
Section 57 (partially)	6th August 2004	2004/2097

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 57 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
Section 58 as to England and Wales	28th September 2004	2004/2202
Section 59 (partially)	6th August 2004	2004/2097
Section 59 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
Sections 79 to 83 (partially)	6th August 2004	2004/2097
Section 88 (partially)	6th August 2004	2004/2097
Section 91 (partially)	6th August 2004	2004/2097
Sections 100 and 101 (partially)	6th August 2004	2004/2097
Sections 99 to 110 as to England and Wales (in so far as not already in force)	31st October 2004	2004/2593
Section 111(2) as to England and Wales	31st October 2004	2004/2593
Section 113 as to England	28th September 2004	2004/2202
Section 114 as to England (partially)	28th September 2004	2004/2202
Section 116 (partially)	6th August 2004	2004/2097
Section 117(1) to (7) (partially)	6th August 2004	2004/2097
Section 117(1) to (7) as to England and Wales (in so far as not in force)	28th September 2004	2004/2202
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (partially)	6th August 2004	2004/2097
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (in so far as not already in force)	28th September 2004	2004/2202
Section 119 (1) (partially)	6th August 2004	2004/2097
Section 119(1) as to England (in so far as not already in force)	28th September 2004	2004/2202

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (partially)	6th August 2004	2004/2097
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	28th September 2004	2004/2202
Schedule 1 (partially)	6th August 2004	2004/2097
Schedule 2 paragraph 3 (partially)	6th August 2004	2004/2097
Schedule 3 paragraph 6 to 8 and 10 to 12 (partially)	6th August 2004	2004/2097
Schedule 6 paragraphs 1, 3, 14, 16, 19, 20, 23, 24, 26 and 27 (partially)	6th August 2004	2004/2097
Schedule 6 paragraphs 1, 8 to 13, 15, 16(1) and (2), 17 to 19, 21, 22 and 25 as to England (in so far as not already in force)	28th September 2004	2004/2202
Schedule 6 paragraph 7 as to England and Wales	31st October 2004	2004/2593
Schedule 6 paragraphs 20, 23, 24 and 26 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
Schedule 7 paragraph 19 (partially)	6th August 2004	2004/2097
Schedule 7 paragraphs 2, 3, 6, 8, 11(1) to (3), 16, 17, 19(2), 22 and 23 as to England (in so far as not already in force)	6th August 2004	2004/2097
Schedule 7 paragraphs 4, 5, 7, 9, 10(1) to (6), 11(4) and (5), 12 to 15, 18 and 21 as to England and Wales	31st October 2004	2004/2593

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 8 paragraph 4,9,17 and 18 (partially)	6th August 2004	2004/2097
Schedule 8 as to England (so far as not already in force)	28th September 2004	2004/2202
Schedule 9 as to England (partially)	28th September 2004	2004/2202
Schedule 9 as to England and Wales (partially)	28th September 2004	2004/2202
Schedule 9 as to England and Wales (partially)	31st October 2004	2004/2593