

2003 No. 443 (C. 34)

PLANNING

**The Planning (Amendment) (2003 Order) (Commencement
No. 2) Order (Northern Ireland) 2003**

Made - - - - - 9th October 2003

The Department of the Environment, in exercise of the powers conferred on it by Article 1(2) of the Planning (Amendment) (Northern Ireland) Order 2003(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Planning (Amendment) (2003 Order) (Commencement No. 2) Order (Northern Ireland) 2003.

(2) In this Order –

“the 1991 Order” means the Planning (Northern Ireland) Order 1991(b);

“the 2003 Order” means the Planning (Amendment) (Northern Ireland) Order 2003.

Appointed day

2. The appointed day for the coming into operation of the following provisions of the 2003 Order: –

(a) Articles 3, 4, 6 to 17, 26, 35;

(b) Article 37 as it applies Schedule 1 (Minor and Consequential Amendments); and

(c) Article 37 as it applies Schedule 2 (Repeals) and gives effect to the repeals specified in the Schedule to this Order,

is 12th November 2003.

Savings

3. Nothing in this Order shall affect the operation of Article 41 of the 1991 Order in relation to applications made under that Article prior to 12th November 2003.

Sealed with the Official Seal of the Department of the Environment on 9th October 2003.

(L.S.)

I. Maye

A Senior Officer of the Department of the Environment

(a) S.I. 2003/430 (N.I. 8)

(b) S.I. 1991/1220 (N.I. 11)

SCHEDULE

Article 2

REPEALS SPECIFIED IN SCHEDULE 2 OF THE 2003 ORDER WHICH ARE
COMMENCED BY THIS ORDER

<i>Short Title</i>	<i>Extent of Repeal</i>
The Planning (Northern Ireland) Order 1972 (N.I. 17)	In Article 67(2)(c) the words from “or for its retention” to “granted”.
The Planning (Northern Ireland) Order 1991 (N.I. 11)	<p>In Article 2(2), in the definition of “planning permission” the words from “and in construing” to the end.</p> <p>Articles 29 and 41.</p> <p>In Article 66, paragraph (3).</p> <p>In Article 69(2)(a), “in writing”.</p> <p>In Article 77(1)(b), “within such period as may be so specified”.</p> <p>In Article 78(2)(a) “in writing”.</p> <p>In paragraph (1) of Article 121, sub-paragraph (e).</p>

EXPLANATORY NOTE

(This note is not part of the Order.)

Article 2 of this Order brings into operation on 12th November 2003, the following provisions of the Planning (Amendment) (Northern Ireland) Order 2003 –

Article 3 (Planning contravention notices);

Article 4 (Enforcement of conditions);

Article 6 (Time limits on enforcement action);

Articles 7 and 8 (Enforcement Notices and appeals against such notices);

Article 9 (Offence where enforcement not complied with);

Article 10 (Execution of works required by enforcement notice);

Article 11 (Stop Notices);

Article 12 (Certificate of lawful use or development);

Article 13 (Rights of entry for enforcement purposes);

Article 14 (Listed Buildings);

Article 15 (Hazardous substances);

Article 16 (Replacement of Trees);

Article 17 (Alteration in Penalties);

Article 26 (Trees);

Article 35 (Planning register); and

Article 37 (Minor and consequential amendments and repeals) as it relates to Schedule 1 and 2 of the 2003 Order.

Article 3 of this Order makes savings.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order.)

The following provisions of the Order have been brought into operation by a commencement order made before the date of this Order: –

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Articles 5, 19, 20, 21, 22, 24, 25, 32, 33, 34 and 36	22nd April 2003	2003/188

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