



Housing, Town Planning, &c. Act 1919

1919 CHAPTER 35

PART II

TOWN PLANNING

42 Removal of necessity to obtain previous authorisation of Local Government Board to preparation or adoption of town planning scheme

It shall not be necessary for a local authority to obtain the authority of the Local Government Board to prepare or adopt a town planning scheme, and accordingly for subsection (2) of section fifty-four of the Housing, Town Planning, &c. Act, 1909, (hereinafter referred to as the Act of 1909), the following provision shall be substituted:—

“(2) A local authority within the meaning of this Part of this Act may by resolution decide—

- (a) to prepare a town planning scheme with reference to any land within or in the neighbourhood of their area in regard to which a scheme may be made under this Act; or
- (b) to adopt, with or without any modifications, any town planning scheme proposed by all or any of the owners of any land with respect to which the local authority are themselves by this Act authorised to prepare a scheme :

Provided that—

- (i) if any such resolution of a local authority extends to land not within the area of that local authority, the resolution shall not have effect until it is approved by the Local Government Board, and the Board may, in giving their approval, vary the extent of the land to be included within the area of the proposed town planning scheme ; and
- (ii) where any local authorities are desirous of acting jointly in the preparation or adoption of a town planning scheme, they may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring with or without restrictions on any such

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committee any powers which the appointing councils might exercise for the purpose, and the provisions of sections fifty-seven and fifty-eight of the Local Government Act, 1894, in regard to joint committees, shall, with the necessary modifications, apply to any joint committee so appointed.”

43 Extension of power to make regulations as to procedure

- (1) The power of the Local Government Board of making regulations under section fifty-six of the Act of 1909 shall include power to make regulations as to the procedure consequent on the passing of a resolution by a local authority to prepare or adopt a town planning scheme, and provision shall be made by those regulations for securing that a local authority after passing such a resolution shall proceed with all reasonable speed with the preparation or adoption of the town planning scheme, and shall comply with any regulations as to steps to be taken for that purpose, including provisions enabling the Local Government Board in the case of default or dilatoriness on the part of the local authority to act in the place and at the expense of the local authority.
- (2) Subsection (2) of section fifty-six of the Act of 1909 shall have effect as if the following paragraph were added thereto :

“For securing that the council of the county in which any land proposed to be included in a town planning scheme is situated (1) shall be furnished with a notice of any proposal to prepare or adopt such a scheme and with a copy of the draft scheme before the scheme is made, and (2) shall be entitled to be heard at any public local inquiry held by the Local Government Board in regard to the scheme.”

44 Repeal of provisos to ss.54 (4) and 55 (2) of 9 Edw.7 c.44

The proviso to subsection (4) of section fifty-four and the proviso to subsection (2) of section fifty-five of the Act of 1909 (which provisos relate to the publication and laying before Parliament of town planning schemes) are hereby repealed.

45 Power to permit development of estates pending preparation and approval of town planning schemes

The Local Government Board may by special or general order provide that where a resolution to prepare or adopt a town planning scheme has been passed, or where before the passing of this Act the preparation or adoption of a town planning scheme has been authorised, the development of estates and building operations may be permitted to proceed pending the preparation or adoption and approval of the town planning scheme, subject to such conditions as may be prescribed by the order, and where such permission has been given the provisions of subsection (2) of section fifty-eight of the Act of 1909 which relates to the rights of compensation shall have effect as if the following proviso were added thereto :

“Provided also that this provision shall not apply as respects any building erected, contract made, or other thing done in accordance with a permission granted in pursuance of an order of the Local Government Board allowing the development of estates and building operations to proceed pending the preparation or adoption and approval of the scheme, and the carrying out of

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works so permitted shall not prejudice any claim of any person to compensation in respect of property injuriously affected by the making of the scheme.”

46 Preparation of town planning schemes

- (1) The council of every borough or other urban district containing on the first day of January nineteen hundred and twenty-three a population according to the last census for the time being of more than twenty thousand shall, within three years after that date, prepare and submit to the Local Government Board a town planning scheme in respect of all land within the borough or urban district in respect of which a town planning scheme may be made under the Act of 1909.
- (2) Without prejudice to the powers of the council under the Act of 1909, every scheme to which this section applies shall deal with such matters as may be determined by regulations to be made by the Local Government Board.
- (3) Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either house within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

47 Power of Local Government Board to require town planning scheme

- (1) Where the Local Government Board are satisfied after holding a public local inquiry that a town planning scheme ought to be made by a local authority as respects any land in regard to which a town planning scheme may be made under the Act of 1909, the Board may by order" require the local authority to prepare and submit for their approval such a scheme, and, if the scheme is approved by the Board, to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, and for executing any works which, under the scheme or under Part II. of the Act of 1909, the authority are required to execute.
- (2) Any order made by the Local Government Board under this section shall have the same effect as a resolution of the local authority deciding to prepare a town planning scheme in respect of the area in regard to which the order is made.
- (3) If the local authority fail to prepare a scheme to the satisfaction of the Board within such time as may be prescribed by the order, or to enforce the observance of the scheme or any provisions thereof effectively, or to execute any such works as aforesaid, the Board may themselves act, or in the case of a borough or other urban district the population of which is less than 20,000, or of a rural district, may, if the Board think fit, by order, empower the county council to act in the place and at the expense of the local authority.

48 Consequential and minor amendments

The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters) shall be made in the provisions of Part II of the Act of 1909 mentioned in the first column of that schedule.