



Town and Country Planning Act 1932

1932 CHAPTER 48

Miscellaneous Provisions.

41 For the protection of statutory undertakers.

- (1) No provision contained in a scheme shall apply to any land or any building erected thereon which for the time being belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking, except in so far as they may consent to any particular provision of the scheme being made applicable to any such land or building:

Provided that their consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be decided by the Minister; but the Minister, before giving his decision, shall, where any Government department other than the Ministry of Health are concerned with the functions of the undertakers, consult with the Secretary of State or other Minister in charge of that Department and shall, if the undertakers whose consent is sought so desire, afford them an opportunity of appearing before and being heard by one or more persons appointed for the purpose by the Minister and the Secretary of State or other Minister acting jointly.

- (2) If, in connection with the giving by statutory undertakers of any consent under this Act, any question arises as to whether any or as to which Government department are concerned with the functions of any statutory undertakers the question shall be referred to and determined by the Treasury whose decision shall be final.

42 Consultation of Commissioners of Works as to schemes affecting certain buildings.

Where representations are made to the Minister that a provision in a scheme submitted for his approval will involve the removal, pulling down, or alteration of a building of special architectural or historic interest, he shall, before approving the scheme, consult with the Commissioners of Works.

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43 Land in neighbourhood of Royal Palaces and Parks.

- (1) Where a local authority or joint committee propose to include in a scheme any land which is situate within the prescribed distance from any of the royal palaces or parks, or where an authority propose to acquire any such land under this Act, they shall, before preparing the scheme or acquiring the land, communicate with the Commissioners of Works, and the Minister shall, before approving the scheme or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations which he may have received from the Commissioners of Works with reference to the proposal.
- (2) For the purposes of this section, " prescribed " means prescribed by regulations made by the Minister after consultation with the Commissioners of Works.

44 Works below high-water mark.

Nothing in this Act shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if this Act had not been passed, and except in accordance with such plans and sections and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

45 Saving for Postmaster-General.

The expression " Act of Parliament " in section seven of the Telegraph Act, 1878 (which makes provision as to work done in pursuance of Acts of Parliament which involves alteration in telegraphic lines), shall be construed as including a scheme under this Act.

46 Powers as to the preservation of trees.

- (1) The provisions to be inserted in a scheme with respect to securing amenity and the protection of existing amenities may include provisions for the preservation of single trees and groups of trees, and in addition may specify areas of woodland as areas to be protected under this section.
- (2) Where an area is so specified, the scheme may impose an obligation on the owner, if any part of the woodland is felled, to undertake such replanting as would be in accordance with the practice of good forestry, but save as aforesaid the scheme shall not impose any control over forestry operations in the area.
- (3) If any question arises between the responsible authority and the owner whether any replanting of land carried out or proposed to be carried out by the owner is or would be in accordance with the practice of good forestry, it shall, on the application of either party, be determined by the Forestry Commissioners, whose decision shall be final.

47 Powers with respect to advertisements.

- (1) Where it appears to the responsible authority that an advertisement displayed or a hoarding set up in the area to which a scheme applies seriously injures the amenity of land specified in the scheme as land to be protected under this Act in respect of

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advertisements, the authority may serve in the prescribed manner upon the owner of the advertisement or hoarding a notice requiring him to remove it within such period, not being less than twenty-eight days from the date of service of the notice, as may be specified therein, and where any such notice is served a copy thereof shall be served in the prescribed manner upon the owner and occupier of the land on which the advertisement or hoarding is displayed or set up.

- (2) If a person upon whom a notice or a copy of a notice has been served under the last foregoing subsection on any date desires to allege that the advertisement or hoarding to which the notice relates does not seriously injure the amenity of any land specified in the scheme as aforesaid he may, by written notice served on the clerk of the court and the authority within twenty-eight days from that date, appeal to a court of summary jurisdiction for the petty sessional division or place comprising the land on which the advertisement or hoarding is displayed or set up.
- (3) If on any such appeal as aforesaid the court are satisfied that the advertisement or hoarding does not seriously injure the amenity of any land specified in the scheme as aforesaid, the court shall allow the appeal, but if they are not so satisfied the court shall dismiss the appeal, so, however, that the court may by their order postpone the date for compliance with the requirements of the notice to such date, not being later than the expiration of twenty-eight days from the date of the order, as they think fit.
- (4) If the owner of an advertisement or hoarding upon whom a notice has been served under subsection (1) of this section does not comply with the requirements of the notice within the period therein specified, then, unless an appeal in respect of the notice is made under this section and allowed, the authority may, at any time after the expiration of that period or, if the court on an appeal under this section postpone the date for compliance with the requirements of the notice, after the date specified in the order, enter upon the land upon which the advertisement or hoarding is displayed or set up and remove the advertisement or hoarding and recover from the owner thereof the expenses of such removal and on any proceedings for the recovery of such expenses the defendant shall not be entitled to raise by way of defence any matter which might have been raised by him on an appeal under this section.
- (5) Where a scheme specifies any land in the area to which the scheme applies as land to be protected under this Act in respect of advertisements, the scheme may contain provisions enabling the responsible authority subject to such conditions as may be specified in the scheme to authorise the display of any particular class of advertisements, either unconditionally or subject to any conditions in respect of the position or manner in which, or the period during which, the advertisements may be displayed, and conferring upon any person aggrieved by a decision of the responsible authority in relation to such authorisation as aforesaid a right of appeal to a court of summary jurisdiction.
- (6) The powers conferred upon a responsible authority by subsections (1) and (4) of this section shall not be exercisable—
 - (i) in respect of advertisements the display of which is authorised as provided by the last foregoing subsection;
 - (ii) in respect of advertisements which relate solely to a trade or business carried on, or to an entertainment, meeting, auction or sale to be held, upon or in relation to the land upon which the advertisements are displayed, and which conform with any provisions contained in the scheme with respect to the size, position, and manner of display of such advertisements ;

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- (iii) in respect of advertisements on the door or in the window of a building which conform with any such provisions as aforesaid;
 - (iv) during the period of five years from the coming into operation of the scheme, in respect of hoardings erected or in use for advertising purposes before the date when the resolution to prepare or adopt the scheme took effect, or advertising stations used by advertising contractors at that date, or in respect of advertisements displayed on any such hoarding or station at any time during that period, or in respect of advertisements displayed at that date.
- (7) Property shall not, for the purposes of the provisions of this Act relating to compensation and betterment, be deemed to be injuriously affected or increased in value by the provisions of this section or anything done or suffered thereunder.
- (8) Save as provided by this section, a scheme shall not contain any provision prohibiting or controlling the erection or use of structures for the purpose of advertising:
- Provided that the foregoing provisions of this subsection shall not render unlawful the insertion in a scheme of a provision which prohibits the erection on any land of buildings generally, or under which buildings generally could be removed from any land, if that provision is required for a purpose other than the prevention of injury to amenity by advertisements or hoardings.
- (9) In this section the expression " hoarding " means any hoarding or similar structure erected or used for the purpose of advertising; and the expression " owner " means, in relation to an advertisement displayed by a person carrying on the business of an advertising contractor, that person, and means, in relation to any other advertisement, the person to whose goods, trade, business, or other concerns publicity is given by the advertisement.

48 Appointment of committees for purposes of Act.

- (1) A local authority or a county council may, subject to the provisions of this section, appoint a committee for any of the purposes of this Act, which, in the opinion of the authority, would be better regulated and managed by means of a committee, and may delegate to the committee, with or without restrictions or conditions as they think fit, any of their powers under this Act except the power of levying a rate or borrowing money, or of relinquishing in favour of the council of the county any of their powers and duties under this Act.
- (2) A committee appointed under this section shall consist of such number of persons as the appointing authority think fit, but at least three-fourths of the members of the committee shall be members of the appointing authority.

49 Expenses of, and borrowing by, local authorities.

- (1) Subject to the provisions of subsection (8) of section thirty-six of this Act, any expenses incurred by a local authority or a county council under this Act shall be defrayed, in the case of the common council of the city of London, as expenses of that council chargeable to the general rate of that city, in the case of a county council, as expenses for general county purposes or as expenses for special county purposes chargeable upon such part of the county as the county council may determine, and, in the case of the council of a county borough or county district, as expenses of the council under the Public Health Acts, 1875 to 1926:

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Provided that a county council, before determining that any such expenses incurred by them under so much of section thirty of this Act as authorises them to contribute towards the expenses incurred by any authority in connection with the carrying into execution of a scheme shall be defrayed as expenses for general county purposes, shall serve notice on every other local authority in the administrative county who have passed a resolution which has taken effect under section six of this Act or any similar enactment repealed by this Act. Any such local authority aggrieved by the determination of the county council may appeal to the Minister, and the decision of the Minister on an appeal under this proviso shall be final, and shall have effect as if it were the decision of the county council:

Provided further that any expenses properly incurred in or in connection with the preparation or carrying into execution of a scheme made by the common council of the city of London, where such scheme is consequential upon a scheme made by the London County Council in respect of a part of the county of London and forms part of a general proposal for planning an area comprising land in the city of London and land in the county of London, shall be defrayed by the London County Council as expenses for general county purposes, and any difference between the said common council and the London County Council under this proviso shall be referred to and determined by the Minister.

- (2) A local authority or a county council may borrow for the purposes of this Act—
- (a) in the case of the common council of the city of London, under the City of London Sewers Acts, 1848 to 1897;
 - (b) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment;
 - (c) in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by any subsequent enactment; and
 - (d) in the case of the council of a county borough or county district, as for the purposes of the Public Health Acts, 1875 to 1926.

50 Special provisions as to administrative county of London.

- (1) A scheme which applies to any land within a metropolitan borough may, with the consent of the council of that borough, provide for that council being the responsible authority for all or any of the purposes of the scheme, so far as respects the land within the borough, and if such a scheme provides for the constitution of a joint body to act as the responsible authority for the purposes of the scheme, it may, with the like consent, provide for the representation of the council of the borough upon that joint body; but, except with the consent of the London County Council, no local authority whose area is outside the administrative county of London and no joint body of whom any such authority are a constituent authority shall, as respects any land in the said county, be a responsible authority for any purposes of a scheme.
- (2) The London County Council shall, with respect to any of the following matters, that is to say :—
- (a) any proposal for a resolution to prepare a scheme, or to revoke a resolution to prepare or adopt a scheme;
 - (b) the preparation of any scheme, supplementary order, or general development order which the council propose to make;

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- (c) the examination of any scheme or supplementary order which they propose to adopt;
- (d) any proposal for the making, variation, or revocation of an order under section seventeen of this Act,

consult with the council of each metropolitan borough within which any land or building to be affected is situate and also, if in the opinion of the county council the council of any other metropolitan borough are concerned, with that council:

Provided that no such consultation shall be necessary in the case of a proposal for a resolution to prepare a scheme if the county council are of opinion that the matter should be dealt with forthwith as a matter of immediate urgency.

- (3) Where under an interim development order or a scheme an application is made to the London County Council for permission to develop any land within a metropolitan borough pending the coming into operation of a scheme or, as the case may be, pending the coming into operation of a general development order, the county council shall, if the application is an application of any such class (being a class of application involving matters of principle) as may be specified in the order or scheme, give notice to the council of the borough not less than fourteen days before the application is to be taken into consideration, and the county council in determining the application, and the Minister in determining any appeal against their decision, shall take into account any representations made by the council of the borough.
- (4) The London County Council shall consult with the common council of the city of London with respect to any of the following matters, in so far as they affect or are likely to affect any scheme made or adopted or any resolution to prepare or adopt a scheme which has been passed or is proposed to be passed by the common council of the city of London, that is to say :—
 - (a) any proposal for a resolution to prepare a scheme or to revoke a resolution to prepare or adopt a scheme;
 - (b) the preparation of any scheme which they propose to make;
 - (c) the examination of any scheme which they propose to adopt;
 and the common council shall consult with the London County Council in such matters in so far as they affect or are likely to affect any scheme made or adopted, or any resolution to prepare or adopt a scheme which has been passed or is proposed to be passed, by the London County Council.
- (5) The provisions of section seventeen of this Act shall apply in relation to any building of special architectural or historic interest which is situated within the city of London as if that city were a county borough and as if the common council of the city of London were the council of that borough, and those provisions shall apply in relation to any such building which is situate within the county of London as if that county were a county borough and as if the London County Council were the council of that borough.
- (6) For the purposes of this Act the provisions of the Public Health Acts, 1875 to 1926, with respect to the purchase of land by agreement shall be deemed to extend to the city of London and the county of London.
- (7) No scheme or interim development order shall suspend or affect the operation of any provision contained in the London Squares Preservation Act, 1931, or in any order made under that Act, with respect to a protected square as defined in that Act.
- (8) Any expenses incurred under this Act by the council of a metropolitan borough shall be defrayed as part of the general expenses of the council, and money may be borrowed

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for the purposes of this Act by the council of a metropolitan borough in like manner and subject to the like conditions as for the purposes of the Metropolis Management Acts, 1855 to 1893.

- (9) No scheme or order made under this Act shall, without the consent of the London County Council, provide for suspending, modifying or adapting any provision of the London Building Act, 1930, or any Act amending or extending that Act, or any byelaw or regulation made thereunder.

51 Compensation to officers.

- (1) Every officer of a council who, in consequence of the relinquishment, delegation, or transfer of any powers or duties of that council under any provision contained in sections two to five of this Act, suffers any direct pecuniary loss by determination of his appointment or by diminution or loss of fees, salary, or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to recover compensation under this Act for that loss from that council.
- (2) For the purposes of this section an officer of a council by or from whom any powers or duties are so relinquished, delegated, or transferred—
- (a) who at any time within five years after the date of the relinquishment, delegation, or transfer, as the case may be, relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before the said date; or
 - (b) whose appointment is determined or whose salary is reduced within five years after the said date because his services are not required or his duties are diminished, and not on the ground of misconduct or inefficiency,
- shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of that relinquishment, delegation, or transfer.
- (3) The provisions of section one hundred and twenty-six of the Local Government Act, 1929, and of the Eighth Schedule to that Act, shall apply in relation to claims for compensation under this Act as they apply in relation to claims for compensation under that Act, subject to the following modifications,—
- (a) references to that Act shall be construed as references to this Act; and
 - (b) references to the appointed day shall be construed as references to the date of the relinquishment, transfer, or delegation, as the case may be,
- and subject also to such other modifications, if any, as the Minister may consider to be necessary for the purpose of adapting those provisions to cases arising under this Act.
- (4) In this section the expression " officer " includes servant.

52 Transitional provisions.

- (1) Where before the commencement of this Act a local authority have, in pursuance of authority given by the Minister under subsection (2) of section one of the Town Planning Act, 1925, resolved to prepare a scheme under that subsection for the limited purposes therein mentioned, they may, notwithstanding the repeal of the said subsection, prepare and make a scheme for those purposes, without prejudice, however, to their power to pass at any time a resolution to prepare or adopt with respect

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to the same area, or any part thereof, a scheme for any of the purposes mentioned in section one of this Act.

- (2) Where an application for authority to prepare or adopt a scheme has been granted, or a resolution to prepare or adopt a scheme has taken effect, but the scheme to be prepared in pursuance of that application or resolution, or, as the case may be, the scheme so adopted, has not at the commencement of this Act come into operation, the application or resolution shall have effect as if it were a resolution passed by the authority and approved by the Minister under this Act, and the existing provisions which immediately before that date regulated the service of notices in the area in question and the procedure in connection with the preparation or adoption of schemes, and the submission of schemes to the Minister, and consideration and approval thereof by him shall, whether those provisions were contained in regulations made by the Minister under the Town Planning Act, 1925, or were contained partly in such regulations and partly in a local Act, continue to apply in relation to that scheme :

Provided that the Minister may by general or special order direct that in certain classes of case, or in any particular case, the provisions of this Act with respect to the matters aforesaid shall apply instead of such existing provisions as aforesaid to such extent, and with such modifications, as he may think fit.

53 Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

" Buildings " includes structures and erections;

" Building operations " includes any road works preliminary, or incidental, to the erection of buildings;

" Classified road " means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class 1 or Class 2, or in any class declared by him to be not inferior to those classes for the purposes of the Local Government Act, 1929;

" Development, " in relation to any land, includes any building operations or rebuilding operations, and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used :

Provided that—

- (i) the use of land for the purpose of agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and the use for any of those purposes of any building occupied together with land so used, shall not be deemed to be a development of that land or building; and
- (ii) the use of land within the curtilage of a dwelling-house for any fresh purpose other than building operations shall not be deemed to be a development of that land if the purpose is incidental to the enjoyment of the dwelling-house as such;

" District " means, in relation to the common council of the city of London, the city of London, in relation to the London County Council, the county of London, and in relation to the council of any other county or of a borough, that county or borough;

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" Fence " and " hedge " have respectively the same meanings as in the Roads Improvement Act, 1925;

" Joint committee " means a joint committee appointed under section three or under section four of this Act, or under any repealed enactment relating to town planning;

" Land " includes land covered with water and any right in or over land;

" Minerals " includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working;

" Owner " in relation to any land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, or of any term of years therein granted or agreed to be granted by a lease or agreement the unexpired term whereof exceeds three years;

" Prescribed " means prescribed by regulations made by the Minister;

" Road " includes a drift-way and a footway;

" Statutory undertakers " means any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking;

" Scheme " means a scheme under this Act, and, save as otherwise expressly provided in this Act, includes a supplementary scheme and a scheme varying or revoking an existing scheme;

" Site " in relation to a building includes the area of any offices, out-buildings, yard, court or garden occupied or intended to be occupied therewith;

" The material date " means, in relation to any provision contained in a scheme, other than a supplementary scheme or a varying scheme, the date on which the resolution to prepare or adopt the scheme took effect or such later date as may be fixed by the scheme, either generally or for the purposes of any particular provision thereof, and, in relation to any provision contained in a supplementary scheme or a varying scheme or a supplementary order means the date on which the scheme or order came into operation, or such later date as may be fixed by the scheme or order, either generally or for the purposes of any particular provision thereof :

Provided that, where any provision of a scheme or order is revoked by a subsequent scheme or order which contains the same provision or a provision substantially to the same effect, the material date in relation to that later provision shall be the date which, if the earlier provision had continued in operation, would have been the material date in relation thereto ;

" Existing building " and " existing work " mean respectively a building or work erected, constructed or carried out before the material date, and include also a building or work—

- (i) erected, constructed or carried out in pursuance of a contract made before the material date; or
- (ii) begun before, but completed after, that date; or
- (iii) erected, constructed or carried out in accordance with the terms of an interim development order, whether made under this Act or any Act repealed by this Act, or of permission granted under such an order:

Provided that—

- (a) a building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating

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to substituted buildings shall be deemed to be an existing building; and

- (b) a building shall not cease to be, or to be deemed to be, an existing building by reason of its alteration or extension in accordance with the provisions of the scheme relating to the alteration or extension of existing buildings, and any such alteration or extension shall itself be deemed to be part of the existing building;

" Existing use " means, in relation to any building or land, a use of that building or land for any purpose of the same or a similar character to that for which it was last used before the material date, or, in the case of a newly erected building which has not been used before that date, a use for any purpose for which it was designed, and includes in any case any use of a building or land permitted by or under an interim development order, whether made under this Act or any Act repealed by this Act:

Provided that—

- (i) if at any time after the material date the existing use of a building is discontinued for a period of eighteen months, no use of that building at any subsequent date shall be deemed to be an existing use thereof;
- (ii) where at the material date a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, the user under that title of that neighbouring land for any such purpose, whether before or after the material date, shall be deemed to be an existing use.

54 Repeals.

- (1) The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and, subject to the provisions of subsection (2) of section fifty-two of this Act, such of the provisions of any local Act, including any local Act passed on the same day as this Act, as modify the provisions of the Town Planning Act, 1925, in its application to a particular locality are also repealed:

Provided that—

- (a) nothing in this repeal shall affect any appointment, scheme, order, regulation, or agreement made, or any approval, consent or notice given, under any enactment repealed by this Act, and any such appointment, scheme, order, regulation, agreement, approval, consent or notice may be enforced and carried into effect as if this Act had not been passed, but may be amended, varied, repealed or revoked under this Act;
- (b) where at the commencement of this Act there is outstanding any claim for compensation duly made under any Act repealed by this Act, or any claim so made for any amount in respect of an increase in the value of property, or the time limited by or under any such repealed Act for making such a claim has not expired, that outstanding claim, and any such claim made within the time so limited, shall be entertained and may be enforced in the same manner in all respects as if this Act had not been passed;
- (c) a reference in any document to any Act or enactment repealed as aforesaid, or to a town planning scheme under any such Act, shall be construed as a

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reference to this Act or the corresponding enactment in this Act, or to a scheme under this Act;

- (d) the provisions of a local Act, in so far as they effect a transfer of functions exercisable under the Town Planning Act, 1925, from one authority to another or regulate the manner in which any such functions are to be exercised where such a transfer has been so effected, shall be excepted from the repeal by this section of the provisions of local Acts;
 - (e) except as expressly provided in the section of this Act of which the marginal note is " Special " provisions as to the Surrey County Council " Act, 1931," nothing in this Act shall repeal or affect any provisions of the Surrey County Council Act, 1931.
- (2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

55 Special provisions as to the Surrey County Council Act, 1931.

- (1) Sections seventy-three to eighty-one and section eighty-three of the Surrey County Council Act, 1931, (in this section referred to as " the Surrey Act"), are hereby repealed:

Provided that the repeal of section eighty of the Surrey Act shall be without prejudice to the provisions of subsection (2) of section fifty-two of this Act.

- (2) So much of subsection (1) of section ninety-seven of the Surrey Act as relates to any of the sections repealed by subsection (1) of this section and subsections (2) and (3) of that section ninety-seven are also hereby repealed.
- (3) In the Surrey Act (except in section one hundred and seventy-four thereof) references to a town planning scheme or to a town planning scheme made or approved under or in pursuance of the Town Planning Act, 1925, shall be construed as including references to a scheme under this Act, and the words "whether under the " Town Planning Act, 1925, or the section of this Act " of which the marginal note is ' Extension of powers " 'of local authorities to make or adopt town planning " ' schemes' " in paragraph (a) of subsection (6) of section sixty-eight of the Surrey Act are hereby repealed.
- (4) In subsection (8) of section ninety-six of the Surrey Act references to a joint committee appointed under section two of the Town Planning Act, 1925, shall be construed as including references to a joint committee appointed under this Act.
- (5) The following section shall be substituted for section eighty-two of the Surrey Act:—

“(1) A local authority may with the consent " of the Surrey Joint Planning Committee constituted under section ninety-six of this Act delegate " to that committee, with or without restrictions, " any of their powers and duties in connection " with the preparation or adoption of a town " planning scheme, other than the power to " borrow money or levy a rate, and shall pay " any expenses incurred by the said committee " in the exercise of any powers and duties so " delegated.

- (2) (a) Where two or more local authorities " are desirous of acting jointly in the preparation " or adoption of a scheme, they may, with the " consent of the Surrey Joint Planning Committee, " concur in delegating to that committee with or " without restrictions any of their powers and

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- " duties in connection with the preparation or " adoption of a town planning scheme, other than " the power to borrow money or levy a rate.
- (b) The expenses incurred by the said committee in the exercise of any powers and duties " delegated under this subsection shall be paid " by the local authorities who have concurred in " the delegation, or some or one of them, as they " may agree, and if any question arises as to the " local authorities or local authority by whom, " or the proportions in which, any such expenses " are to be paid, that question shall be deter" mined by the Minister.
 - (c) The provisions of section fifty-eight of " the Local Government Act, 1894, with respect " to accounts and audit shall, with any necessary " modifications, apply in relation to the expenses " incurred by the said committee in the exercise " of any powers and duties delegated under this " subsection as though the said committee were " a joint committee of which the local authorities " who have concurred in the delegation were " constituent authorities."
- (6) A scheme applying to land in the administrative county of Surrey may, with the consent of the Surrey Joint Planning Committee constituted under the Surrey Act, provide that the said committee or a body consisting of such number of members of the said committee, to be nominated by the said committee for the purpose, as may be specified, in the scheme, shall be the authority responsible for enforcing and carrying into effect all or any of the provisions of the scheme, and where a scheme provides for a body consisting of such persons as aforesaid being the responsible authority for any of the purposes of the scheme it may authorise that body to co-opt additional members, so however that at least three-fourths of the members of that body shall be persons who are members of the said committee.

56 Saving as to the Sandhills in the Parts of Lindsey, Lincolnshire.

Nothing in this Act shall affect the provisions of any Act of the present Session to provide, amongst other purposes, for regulating certain lands in the Parts of Lindsey, Lincolnshire, known as the Sandhills.

57 Application to Scotland.

- (1) This Act shall apply to Scotland subject to the adaptations and modifications specified in the Sixth Schedule to this Act.
- (2) A copy of this Act as applying to Scotland by virtue of the provisions of the last preceding subsection, but with this section and the said Sixth Schedule omitted therefrom, shall be prepared and certified by the Clerk of the Parliaments as if it were a separate Act which had received the Royal Assent on the same day as this Act and shall be deposited with the Rolls of Parliament, and thereupon this Act shall cease to apply to Scotland and the Act as certified as aforesaid shall take effect as a separate Act of the present session and may be cited as the Town and Country Planning (Scotland) Act, 1932, and may be printed as a separate Act by the Printers to His Majesty as a chapter of the statutes of the session distinguished by the number next following the number of the chapter assigned to this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

58 Short title, commencement and extent.

- (1) This Act may be cited as the Town and Country Planning Act, 1932, and, except as otherwise expressly provided, shall come into operation on the first day of April, nineteen hundred and thirty-three.
- (2) This Act shall not extend to Northern Ireland.