



Town and Country Planning Act 1932

1932 CHAPTER 48

Powers of Minister.

- 36 Power of Minister to require preparation or adoption of scheme, and to require execution of scheme.**
- (1) If the Minister is satisfied after the holding of a local inquiry that a scheme ought to be prepared by any authority as respects any land, he may by order require the authority to prepare a scheme and to take such other steps as may be necessary for bringing it into operation, and the order of the Minister shall have the same effect as a resolution to prepare a scheme for the area to which the order relates passed by the authority and approved by the Minister.
 - (2) If the authority fail to prepare a scheme to the satisfaction of the Minister within such time as may be specified, in the order, or to take any other steps which they are required by this Act, or by regulations made thereunder, or by order of the Minister thereunder, to take, the Minister may himself act in the place and at the expense of the authority, or in the case of the council of a rural district, or the council of an urban district which for the time being contains, according to the latest published return of the Registrar-General, a population of less than twenty thousand, may, if he thinks fit, and after consultation with the council of the county in which the district is situate empower that council so to act.
 - (3) If the Minister is satisfied after the holding of a local inquiry that any authority have failed to adopt any scheme proposed by owners of land in a case where a scheme ought to be adopted, he may order the authority to adopt the scheme proposed, or if he thinks fit, may himself approve the proposed scheme with or without modifications, and a scheme so approved by him shall be deemed to have been adopted by the authority and approved by the Minister.
 - (4) If the Minister is satisfied after the holding of a local inquiry that a responsible authority have failed to enforce effectively the observance of a scheme which has come into operation or any provisions of such a scheme (whether being a scheme made under this Act or being a scheme made under any Act repealed by this Act), or to execute any works or do any things which under the scheme or this Act the authority are required to execute or do, the Minister may by order, which shall be enforceable by

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mandamus, require the authority to do all things necessary for remedying their default and for carrying into execution the scheme, or, if he thinks fit, he may himself act in the place and at the expense of the authority, or, in the case of a rural district or such an urban district as is mentioned in subsection (2) of this section, may, if he thinks fit, and after consultation with the council of the county in which the district is situate empower that council so to act.

- (5) The Minister shall furnish a copy of the report made to him by the person who holds a local inquiry directed by this section to every authority concerned and, on payment of such fee as may be fixed by the Minister, to any person interested.
- (6) Any expenses incurred by the Minister in exercising under this section any powers of any authority shall be paid, in the first instance, out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall, on demand, be paid by the authority to the Minister and shall be recoverable as a debt due to the Crown.
- (7) The payment of any such expenses as aforesaid "shall, to such extent as may be sanctioned by the Minister, be a purpose for which an authority may borrow money in accordance with the provisions of this Act or of the scheme under which the authority are constituted.
- (8) Where an order is made by the Minister under subsection (2) or subsection (4) of this section empowering a county council to act in the place of the council of a rural or urban district, the order may apply any of the provisions of section sixty-three of the Local Government Act, 1894, with such modifications and adaptations as appear necessary or expedient.

37 Regulations as to procedure.

- (1) The Minister may make regulations for regulating generally the procedure to be followed in connection with the preparation or adoption of schemes or orders, other than compulsory purchase orders, and for prescribing anything which is by this Act required or authorised to be prescribed.
- (2) Regulations shall be made under subsection (1) of this section in relation to the matters specified in the headings of the several paragraphs of Part I of the Fourth Schedule to this Act, and those regulations shall, subject as provided in Part II of the said Schedule in relation to the matters specified in the heading thereof, be to the effect stated in those paragraphs respectively.
- (3) Regulations made by the Minister under this Act shall, so soon as may be after they are made, be laid before each House of Parliament, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulation has been laid before it, resolves that the regulation shall be annulled, the regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

38 Local inquiries.

- (1) For the purposes of the execution of his powers and duties under this Act, the Minister may cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit, and the costs incurred in relation to any such local inquiry shall be paid by the authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Minister may direct, and the Minister may

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certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by any authority or person shall be a debt to the Crown from such authority or person.

- (2) The provisions of the Public Health Act, 1875, with respect to inquiries which the Minister may cause to be held for the purposes of that Act, shall apply in relation to any local inquiry which he may cause to be held in pursuance of this Act.
- (3) The Minister may, with the consent of the Treasury, appoint a person to act as an inspector for the purpose of conducting a local inquiry to be held in pursuance of this Act and may confer on the person so appointed any of the powers conferred on an inspector of the Ministry of Health for the purposes of inquiries held under the Public Health Act, 1875.