

## SCHEDULES . .

### FIRST SCHEDULE

Sections 8 and 25(3).

#### PART I

##### PROVISIONS AS TO THE LAYING OF SCHEMES BEFORE PARLIAMENT.

- 1 Where a scheme is approved or made by the Minister he shall cause it to be laid forthwith before both Houses of Parliament.
- 2 (1) A scheme which contains a provision suspending the operation of a statutory enactment, other than an enactment which is an excepted enactment for the purposes of this paragraph, shall not be capable of coming into operation until a resolution approving the suspensory provision has been passed by each House of Parliament.
- (2) For the purposes of this paragraph the following are excepted enactments :—
- (a) section one hundred and twelve of the Public Health Act, 1875, as extended by section fifty-one of the Public Health Acts (Amendment) Act, 1907;
  - (b) the Public Health (Buildings in Streets) Act, 1888 ;
  - (c) sections thirty to thirty-four of the Public Health Act, 1925;
  - (d) section five of the Roads Improvement Act, 1925;
  - (e) any enactment making such provision as might, by virtue of any Act of Parliament, have been made in relation to the area to which the scheme applies by means of a byelaw, order, or regulation not requiring confirmation by Parliament;
  - (f) any enactment which has been previously suspended by some other scheme which came or was capable of coming into operation, and any enactment having substantially the same effect as any such enactment.
- 3 Subject as aforesaid a scheme approved or made as aforesaid shall be capable of coming into operation in accordance with the provisions of Part II of this Schedule unless—
- (1) either House of Parliament within a period of twenty-one days on which that House has sat after the scheme has been laid before it resolves that the scheme or some provision thereof ought not to come into operation; or
  - (2) on a motion that a provision in the scheme be approved or that the scheme or some provision thereof ought not to come into operation an undertaking is given by, or on behalf of, the Minister to modify the scheme.
- 4 If in the case of any scheme—
- (1) a resolution to approve a suspensory provision contained in the scheme is not agreed to by either House of Parliament; or
  - (2) it has been resolved by either House of Parliament that the scheme or some provision contained therein ought not to come into operation; or

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- (3) there has in relation to the scheme been given any such undertaking as is mentioned in paragraph three of this Part of this Schedule,
- the following provisions shall have effect:—
- (a) if the scheme is a scheme which was prepared or adopted by a local authority or joint committee, it may be modified by the Minister in like manner, and the like further proceedings may be taken thereon, as if the Minister had not approved it;
  - (b) if the scheme is a scheme which was made by the Minister, a new scheme may be made by him in like manner, and the like proceedings may be taken thereon as if the first mentioned scheme had not been made.

## PART II

### PROVISIONS AS TO THE VALIDITY AND DATE OF OPERATION OF SCHEMES.

- 1 So soon as may be after a scheme has, regard being had to the provisions of Part I of this Schedule, become capable of coming into operation, the local authority or joint committee by whom the scheme was prepared or adopted, or is deemed to have been prepared or adopted, shall publish in a local newspaper a notice in the prescribed form stating that the scheme has been laid before both Houses of Parliament and is capable of coming into operation and naming a place where a copy of the scheme and of any map therein referred to may be seen at all reasonable hours, and shall serve a like notice on every person to whom this Act or the regulations made by the Minister thereunder require notice to be given.
- 2 If any person aggrieved by a scheme desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act, or that any requirement of this Act, or of any order or regulation made thereunder, has not been complied with in relation to the scheme, he may, at any time within six weeks after the date on which the notice required by the provisions of paragraph one of this Part of this Schedule is published, make an application for the purpose to the High Court.
- 3 The High Court, on an application made under this Part of this Schedule—
- (a) may by interim order suspend the operation of the scheme, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ; and
  - (b) if satisfied that the scheme, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act, or of any order or regulation made thereunder, not having been complied with, may quash the scheme or any provision contained therein, either generally or in so far as it affects any property of the applicant.
- 4 Subject to the provisions of paragraphs two and three of this Part of this Schedule, the validity of a scheme shall not, either before or after it has been approved or made, be called in question in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which the notice required by the provisions of paragraph one of this Part of this Schedule is published.
- 5 Except by leave of the Court of Appeal no appeal shall lie to the House of Lords from a decision of the Court of Appeal under this Part of this Schedule.

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- 6 The validity of a provision in a scheme which has been approved by resolution passed by each House of Parliament shall not be called in question on any ground under the provisions of this Part of this Schedule or in any legal proceedings whatsoever, nor shall any such provision be suspended or quashed under the provisions of this Part of this Schedule.

### PART III

#### PROVISIONS AS TO THE VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS.

- 1 So soon as may be after a compulsory purchase order has been confirmed by the Minister the authority by whom the order was made shall publish in a local newspaper a notice in the prescribed form stating that the order has been so confirmed and naming a place where a copy of the order and of any map therein referred to may be seen at all reasonable hours and shall serve a like notice on every person who, having given notice of his objection to the order, appeared at the local inquiry in support of his objection.
- 2 If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act or of any order or regulation made thereunder has not been complied with in relation to the order, he may within six weeks after the date on which notice of its confirmation is published in accordance with the provisions of the preceding paragraph make an application for the purpose to the High Court, and upon any such application the Court—
- (a) may by interim order suspend the operation of the order or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ; and
  - (b) if satisfied that the order or any provision contained therein is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any order or regulation made thereunder not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.
- 3 Subject to the provisions of the last preceding paragraph, a compulsory purchase order shall not, either before or after it has been confirmed, be questioned in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of paragraph one of this Part of this Schedule.
- 4 Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal under this Part of this Schedule.
- 5 This Part of this Schedule does not apply to an order which is provisional only until confirmed by Parliament.