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## SCHEDULES

### SCHEDULE 1

Section 14.

#### SPECIAL PROVISIONS AS TO DEVELOPMENT PLANS IN GREATER LONDON.

##### *Survey of planning areas*

- 1 The matters to be examined and kept under review under section 1 of this Act by the Greater London Council shall be such of the matters mentioned in that section as they think fit, or, in the case of a fresh survey under section 1(2) of this Act instituted in pursuance of a direction of the Minister, such matters as may be specified in the direction.
- 2 The matters to be so examined or kept under review by a London borough council shall be such of the matters mentioned in the said section 1 as have not been examined or kept under review by the Greater London Council, such other matters as they may be required by the Greater London Council to examine or keep under review or, in the case of a fresh survey under the said section 1(2) instituted in pursuance of a direction of the Minister, such matters as may be specified in the direction.
- 3 Any survey by a London borough council under section 1 of this Act shall be carried out on such lines as the Greater London Council may direct.

##### *Structure plans*

- 4 The Greater London development plan shall be treated for the purposes of this Act as a structure plan for Greater London approved under section 4 of this Act and may be altered under section 5 of this Act accordingly ; and the Minister may direct that any area or part of an area indicated by the plan (as originally approved under section 5 of the principal Act) as an area intended for comprehensive development, redevelopment or improvement as a whole shall be treated for those purposes as an action area.
- 5 The structure plan required by section 2 of this Act to be prepared for any area by a London borough council shall include a restatement of so much of the provisions of the Greater London development plan, with any alterations and additions consistent with the latter plan which appear to them to be necessary or expedient, as is applicable to that area.
- 6 A London borough council shall send any report and structure plan prepared by them under the said section 2 to the Greater London Council for submission to the Minister, and the Greater London Council shall send them on to the Minister within such period as he may allow, with any observations of theirs thereon.
- 7 The information on which a London borough council's policy and general proposals formulated under section 2(3) of this Act are based shall include any information which the council obtain in pursuance of a direction of the Greater London Council.

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- 8 The inclusion in the Greater London development plan of an area wholly or partly within a London borough which is to be treated as an action area shall not preclude a London borough council from selecting any other part of the borough as an action area.
- 9 Before giving a direction to a London borough council under section 2(4) of this Act the Minister shall consult the Greater London Council and the London borough council with respect to the proposed direction.

*Alterations to structure plans*

- 10 A direction under section 5(1) of this Act to a London borough council may, instead of being given by the Minister, be given by the Greater London Council with the approval of the Minister.
- 11 Before giving such a direction the Minister or Greater London Council, as the case may be, shall consult the council to whom the direction is proposed to be given.
- 12 The report required by section 5 of this Act to be sent by a London borough council with the proposals submitted by them under that section shall include a report of any review by the Greater London Council of the relevant matters on which the proposals are based.
- 13 Paragraphs 5, 6 and 7 of this Schedule shall apply with any necessary modifications in relation to proposals for the amendment of any structure plan for the whole or part of a London borough as they apply in relation to the plan to be amended.

*Local plans*

- 14 Notwithstanding anything in section 24 of the London Government Act 1963 (local planning authorities for Greater London) the Greater London Council shall not under section 6 of this Act prepare a local plan for any part of Greater London other than a plan for an action area, but the foregoing provision shall not be construed as precluding them from preparing a local plan for any area by virtue of section 12 of this Act.
- 15 The council of a London borough any part of which is indicated by the Greater London development plan as an action area or is to be treated as an action area shall, if it falls to them and not to the Greater London Council to prepare a local plan for that area, prepare such a plan as soon as practicable after the approval of the Greater London development plan, notwithstanding that the council of that borough have not prepared a structure plan for that area.
- 16 References in section 6(6) and (9) of this Act to a structure plan shall, in relation to a local plan prepared for an action area or for an area which is to be treated as an action area by a London borough council, be construed as including references to the Greater London development plan.
- 17 The duty of the Minister under section 6(10) of this Act to consult a local planning authority with respect to a direction which he proposes to give them shall, where the authority is a London borough council, include a duty to consult the Greater London Council with respect to the direction.
- 18 On sending a copy of a local plan to the Minister under section 7(2) of this Act a London borough council shall also send a copy of the plan to the Greater London Council.

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- 19 Section 10(3) of this Act shall, in its application to proposals made by a London borough council for the alteration of a local plan, have effect as if the reference to a provision of section 6 or 7 of this Act were a reference to that provision as modified by paragraphs 16 to 18 above.

## SCHEDULE 2

Section 17.

### PROVISIONS AS TO ESTABLISHED USE CERTIFICATES.

#### *Application for certificate and appeal against refusal thereof*

- 1 An application for an established use certificate shall be made in such manner as may be prescribed by a development order, and shall include such particulars, and be verified by such evidence, as may be required by such an order or by any directions given thereunder, or by the local planning authority or, in the case of an application referred to the Minister, by him.
- 2 Provision may be made by a development order for regulating the manner in which applications for established use certificates are to be dealt with by local planning authorities, and, in particular,—
- (a) for requiring the authority to give to any applicant for such a certificate, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with ;
  - (b) for requiring the authority to give to the Minister and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for such certificates made to the authority, including information as to the manner in which any such application has been dealt with.
- 3 (1) A development order may provide that an application for an established use certificate, or an appeal against the refusal of such an application, shall not be entertained unless it is accompanied by a certificate in such form as may be prescribed by the order and corresponding to one or other of those described in paragraphs (a) to (d) of section 16(1) of the principal Act (requirement of certificate that the applicant is the owner of the land or has given notice to the owners of his intended application, or has tried to do so) ; and any such order may—
- (a) include requirements corresponding to section 16(2) and (3) (contents of certificate), section 16(4) (planning authority not to determine application for a certain period) and section 17(3) (duty of planning authority and Minister on appeal to take into account representations by owners, tenants, etc.) of the principal Act; and
  - (b) make provision as to who, in the case of any land, is to be treated as the owner for the purposes of any provision of the order made by virtue of this sub-paragraph.
- (2) If any person issues a certificate which purports to comply with any provision of a development order made by virtue of sub-paragraph (1) above and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he

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shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

*Provisions with respect to grant of certificate*

- 4 An established use certificate shall be in such form as may be prescribed by a development order and shall specify—
- (a) the land to which the certificate relates and any use thereof which is certified by the certificate as established ;
  - (b) by reference to the paragraphs of section 17(1) of this Act, the grounds on which that use is so certified ; and
  - (c) the date on which the application for the certificate was made, which shall be the date at which the use is certified as established.
- 5 Where the Minister grants an established use certificate, he shall give notice to the local planning authority of that fact.
- 6 In section 19(4) of the principal Act (register of decisions on planning applications) references to applications for planning permission shall include references to applications for established use certificates ; and the information which may be prescribed as being required to be contained in a register kept under that subsection shall include information with respect to established use certificates granted by the Minister.

SCHEDULE 3

Section 30.

GENERAL VESTING DECLARATIONS FOR LAND COMPULSORILY ACQUIRED.

*Execution of general vesting declarations*

- 1 Where a compulsory purchase order authorising an acquiring authority to acquire any land has come into operation, the authority may execute in respect of any of the land which they are authorised to acquire by the compulsory purchase order a declaration in the prescribed form (in this Schedule referred to as " a general vesting declaration ") vesting the land in themselves as from the end of such period as may be specified in the declaration (not being less than twenty-eight days) from the date on which the service of notices required by paragraph 4 below is completed.
- 2 (1) Before making a general vesting declaration with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include in the notice of the making or confirmation of the order which is required to be published or served by paragraph 6 of Schedule 1 to the Act of 1946 or any other provision of the relevant enactments corresponding to that paragraph, or in a notice given subsequently and before the service of the notice to treat in respect of that land,—
- (a) such a statement of the effect of paragraphs 1 to 8 of this Schedule as may be prescribed ; and
  - (b) a notification to the effect that every person who, if a general vesting declaration were made in respect of all the land comprised in the order in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of any such land is invited to give information to

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the authority making the declaration in the prescribed form with respect to his name and address and the land in question.

- (2) The requirements of the relevant enactments with respect to the publication and service of a notice of the making or confirmation of a compulsory purchase order shall apply to a notice under this paragraph given subsequently to the first-mentioned notice.
- (3) A notice complying with sub-paragraph (1) above with respect to any land shall be registered in the register of local land charges by the proper officer of the local authority for the area in which that land, or any part of that land, is situated.
- 3 A general vesting declaration shall not be executed before the end of the period of two months beginning with the date of the first publication of the notice complying with paragraph 2(1) above, or such longer period, if any, as may be specified in the notice:
- Provided that, with the consent in writing of every occupier of any of the land specified in the declaration, the acquiring authority may execute a general vesting declaration before the end of that period of two months, or of the longer period so specified, as the case may be.
- 4 As soon as may be after executing a general vesting declaration, the acquiring authority shall serve—
- (a) on every occupier of any of the land specified in the declaration (other than land in which there subsists a minor tenancy or a long tenancy which is about to expire) ; and
- (b) on every other person who has given information to the authority with respect to any of that land in pursuance of the invitation published and served under paragraph 2(1) above,
- a notice in the prescribed form specifying the land and stating the effect of the declaration.
- 5 For the purposes of this Schedule, a certificate by the acquiring authority that the service of notices required by paragraph 4 above was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.

*Effect of general vesting declaration*

- 6 At the end of the period specified in a general vesting declaration, the provisions of the Land Compensation Act 1961 (as modified by Schedule 2 to the Act of 1946) and of the Compulsory Purchase Act 1965 shall apply as if, on the date on which the declaration was made, a notice to treat had been served on every person on whom, under section 5 of the last-mentioned Act (on the assumption that they required to take the whole of the land specified in the declaration and had knowledge of all the parties referred to in that section) the acquiring authority could have served such a notice, other than—
- (a) any person entitled to an interest in the land in respect of which such a notice had actually been served before the end of that period ; and
- (b) any person entitled to a minor tenancy or a long tenancy which is about to expire.
- 7 At the end of the period specified in a general vesting declaration, the land specified in the declaration, together with the right to enter upon and take possession of it, shall vest in the acquiring authority as if the circumstances in which under Part

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I of the Compulsory Purchase Act 1965 an authority authorised to purchase land compulsorily have any power to execute a deed poll (whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any rent-service, rentcharge, chief or other rent, or other payment or incumbrance) had arisen in respect of all the land and all interests therein, and the acquiring authority had duly exercised that power accordingly at the end of that period.

8 Where any land specified in a general vesting declaration is land in which there subsists a minor tenancy or a long tenancy which is about to expire—

- (a) the right of entry conferred by paragraph 7 above shall not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the acquiring authority have served upon every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as is specified in the notice, and that period has expired ; and
- (b) the vesting of the land in the acquiring authority shall be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever first occurs.

9 (1) Subject to the following sub-paragraph, the supplementary provisions contained in Schedule 3 to the Land Commission Act 1967 (being provisions as to exclusion of power of entry, objections to severance, compensation and other miscellaneous matters arising on the making of a general vesting declaration under Part II of that Act) shall have effect for the purposes of paragraphs 6 to 8 above as they have effect for the purposes of section 10 of that Act.

(2) For the purpose of applying the said Schedule 3 to paragraphs 6 and 8 above, the following substitution of references shall be made therein—

Original reference in Land Commission Act 1967, Schedule 3	Substituted references for purposes of this Schedule
The Land Commission	An acquiring authority
The Land Commission Act 1967	This Act
The Land Commission Act 1967—	
Section 9(3)	Paragraph 4 of this Schedule
Section 10	Paragraphs 6 to 8 of this Schedule
Section 10(2)	Paragraph 7 of this Schedule.

(3) In the said Schedule 3 as so applied, " land " shall have the same meaning as in this Schedule.

*Recovery of compensation overpaid*

10 The provisions of paragraphs 11 to 15 below shall have effect where, after the acquiring authority have made a general vesting declaration in respect of any land, a person claims compensation in respect of the acquisition by the authority of an interest in any land by virtue of the declaration, and the authority pay compensation in respect of that interest.

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- 11 If, in a case falling within paragraph 10 above, it is subsequently shown—
- (a) that the land, or the claimant's interest in it, was subject to an incumbrance which was not disclosed in the particulars of his claim ; and
  - (b) that by reason of that incumbrance the compensation paid exceeded the compensation to which the claimant was entitled in respect of that interest,
- the acquiring authority may recover the amount of the excess from the claimant.
- 12 If, in a case falling within paragraph 10 above, it is subsequently shown that the claimant was not entitled to the interest in question, either in the whole or in part of the land to which the claim related, the acquiring authority may recover from him an amount equal to the compensation paid, or to so much of that compensation as, on a proper apportionment thereof, is attributable to that part of the land, as the case may be.
- 13 Any question arising under paragraph 11 or 12 above—
- (a) as to the amount of the compensation to which the claimant was entitled in respect of an interest in land ; or
  - (b) as to the apportionment of any compensation paid,
- shall be referred to and determined by the Lands Tribunal; and in relation to the determination of any such question, the provisions of section 2 of the Land Compensation Act 1961 shall apply, subject to any necessary modifications.
- 14 Subject to paragraph 13 above, any amount recoverable by the acquiring authority under paragraph 11 or 12 above shall be recoverable as a simple contract debt in any court of competent jurisdiction.
- 15 Any sum recovered under paragraph 11 or 12 above in respect of land by an acquiring authority who are a local authority shall be applied towards the repayment of any debt incurred in acquiring or redeveloping that land or if no debt was so incurred shall be paid into the account into which sums incurred in the acquisition of that land were paid.

*Supplemental*

- 16 (1) In this Schedule " minor tenancy " means a tenancy for a year or from year to year or any lesser interest, and " long tenancy which is about to expire ", in relation to a general vesting declaration, means a tenancy granted for an interest greater than a minor tenancy, but having at the date of the declaration a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this paragraph be specified in the declaration in relation to the land in which the tenancy subsists).
- (2) In determining for the purposes of this paragraph what period a tenancy still has to run at the date of a general vesting declaration it shall be assumed—
- (a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him, and
  - (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.
- 17 In this Schedule—
- " relevant enactments ", in relation to an acquiring authority, means the enactments under which that authority may acquire or be authorised to acquire land compulsorily and which prescribe a procedure for effecting the

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compulsory acquisition of land by them by means of a compulsory purchase order;

" land ", in relation to compulsory acquisition by an acquiring authority, has the same meaning as in the relevant enactments.

#### SCHEDULE 4

Section 38.

#### CONSEQUENTIAL AMENDMENTS OF PLANNING BLIGHT PROVISIONS OF 1962 ACT.

##### *Section 138*

In subsection (1),—

- (a) after the word " Act ", where occurring for the first time, there shall be inserted the words " and of sections 33 to 37 of the Act of 1968 ";
- (b) paragraphs (a) and (b) shall be omitted ; and
- (c) in paragraph (c), for the words in parenthesis there shall be substituted the words " (otherwise than by being dealt with in a manner mentioned in section 33(1)(a) or (b) of the Act of 1968) ";

For subsection (5) there shall be substituted the following subsections:—

“(5) In this section and in the said sections 139 to 151 ' these provisions ' means the provisions of this section, those sections and sections 33 to 37 of the Act of 1968 ; and ' the specified descriptions ' means the descriptions contained in paragraphs (c) to (f) of subsection (1) of this section and paragraphs (a) to (d) of section 33(1) of that Act.

(6) In these provisions ' blight notice ' means a notice served under the next following section or under section 34 of the Act of 1968”.

##### *Section 139*

In subsection (3)—

- (a) in paragraph (a) the word " designated " shall be omitted, in both places ; and for the words " any of paragraphs (a) to (c) of subsection (1) of the last preceding section " there shall be substituted the words " paragraph (c) of section 138(1) above or paragraph (a) or (b) of section 33(1) of the Act of 1968 " ; and
- (b) in paragraphs (b), (c) and (d) for the words " that subsection " there shall be substituted, in each place, the words " section 138(1) above " .

In subsection (4), for the words " a notice served under this section " there shall be substituted the words " a blight notice " .

##### *Section 140*

In subsection (1), for the words " Where a notice has been served under the last preceding section " there shall be substituted the words " Where a blight notice has been served " .

For subsection (3) there shall be substituted the following subsection—

“(3) Any counter-notice served under this section in respect of a blight notice shall specify the grounds (being one or more of the grounds specified in subsection (2) above or, as relevant, section 34(8) or 35(1) of the Act of 1968) on which the appropriate authority object to the notice”.



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*Section 141*

In subsection (1), for the words " notice served under section one hundred and thirty-nine of this Act " there shall be substituted the words " a blight notice ".

*Section 142*

In subsection (1), for the words " Where a notice has been served under section one hundred and thirty-nine of this Act " there shall be substituted the words " Where a blight notice has been served ".

In subsection (2)(b), for the words " the notice under section one hundred and thirty-nine of this Act " there shall be substituted the words " the blight notice ".

In subsection (3), for the words from the beginning to " that notice " there shall be substituted the words " Where the appropriate authority have served a counter-notice objecting to a blight notice ".

*Section 144*

In subsection (1) for the words " a notice has been served under section one hundred and thirty-nine of this Act " there shall be substituted the words " a blight notice has been served ".

*Section 145*

Subsections (3) and (6) shall be omitted.

*Section 146*

In subsection (1), for the words " a notice under section one hundred and thirty-nine of this Act " there shall be substituted the words " a blight notice ".

*Section 149*

In subsections (1)(a), (1)(b), (3)(a) and (3)(b), for the words " the whole or part " (wherever occurring) there shall be substituted the words " the whole or a substantial part ".

In subsections (1)(b), (2)(b) and (3)(b) for the words " six months before the date of service " there shall be substituted the words " twelve months before the date of service ".

*Section 150*

Subsection (5) shall be omitted.

## SCHEDULE 5

Sections 41, 42, 44 and 48.

## CONTROL OF WORKS FOR DEMOLITION, ALTERATION OR EXTENSION OF LISTED BUILDINGS.

**PART I**

## APPLICATIONS FOR LISTED BUILDING CONSENT

- 1 (1) Provision may be made by regulations under this Act with respect to the form and manner in which applications for listed building consent are to be made, the manner in which such applications are to be advertised and the time within which they are to be dealt with by local planning authorities or, as the case may be, by the Minister.
- (2) Any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested therein.

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- 2 (1) Regulations under this Act may provide that an application for listed building consent, or an appeal against the refusal of such an application, shall not be entertained unless it is accompanied by a certificate in the prescribed form and corresponding to one or other of those described in paragraphs (a) to (d) of section 16(1) of the principal Act (requirement of certificate that the applicant is the owner of the land or has given notice to the owners of his intended application or has tried to do so) and any such regulations may—
- (a) include requirements corresponding to section 16(2) (contents of certificate), section 16(4) (planning authority not to determine application for a certain period) and section 17(3) (duty of planning authority and Minister on appeal to take into account representations by owners, tenants, etc.) of the principal Act; and
  - (b) make provision as to who, in the case of any building, is to be treated as the owner for the purposes of any provision of the regulations made by virtue of this sub-paragraph.
- (2) If any person issues a certificate which purports to comply with the requirements of regulations made by virtue of this paragraph and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- 3 (1) The Minister may give directions requiring applications for listed building consent to be referred to him instead of being dealt with by the local planning authority.
- (2) A direction under this paragraph may relate either to a particular application, or to applications in respect of such buildings as may be specified in the direction.
- (3) An application in respect of which a direction under this paragraph has effect shall be referred to the Minister accordingly.
- (4) Before determining an application referred to him under this paragraph, the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister.
- (5) The decision of the Minister on any application referred to him under this paragraph shall be final.
- 4 (1) Subject to the following provisions, a local planning authority (other than a London borough council) to whom application is made for listed building consent shall not grant such consent, unless they have notified the Minister of the application (giving particulars of the works for which the consent is required) and either—
- (a) a period of twenty-eight days has expired, beginning with the date of the notification, without the Minister having directed the reference of the application to him ; or
  - (b) the Minister has notified the authority that he does not intend to require the reference of the application.
- (2) The Minister may at any time before the said period expires give notice to the authority that he requires further time in which to consider whether to require the reference of the application to him and the foregoing sub-paragraph shall then have effect with the substitution for a period of twenty-eight days or such longer period as may be specified in the Minister's notice.

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- 5 (1) Subject to the following provisions, where application for listed building consent is made to a local planning authority, being a London borough council, and the authority do not determine to refuse it, they shall notify the Greater London Council of the application (giving particulars of the works for which the consent is required) and shall not grant such consent unless authorised or directed to do so under the following sub-paragraph.
- (2) On receipt of notification under sub-paragraph (1) above the Greater London Council may either—
- (a) authorise the local planning authority to grant or refuse the application, as they think fit; or
  - (b) give them directions as to how they are to determine it.
- (3) The Greater London Council shall not authorise the local planning authority as mentioned in sub-paragraph (2)(a) above, nor under sub-paragraph (2)(b) above direct them to grant listed building consent, unless the Council have notified the Minister of the application made to the local planning authority (giving particulars of the works for which the consent is required) and either—
- (a) a period of twenty-eight days has expired, beginning with the date of the notification, without the Minister having directed the reference of the application to him ; or
  - (b) the Minister has notified the Council that he does not intend to require the reference of the application.
- (4) The Minister may at any time before the said period of twenty-eight days expires give notice to the Council that he requires further time in which to consider whether to require the reference of the application to him and the foregoing sub-paragraph shall then have effect with the substitution for the period of twenty-eight days of such longer period as may be specified in the Minister's notice.
- 6 (1) The Minister may give directions that, in the case of such descriptions of applications for listed building consent as he may specify, other than such consent for the demolition of a building, paragraphs 4 and 5 above shall not apply; and accordingly, so long as the directions are in force local planning authorities may determine applications of such descriptions in any manner they think fit, without notifying the Minister or, as the case may be, the Greater London Council.
- (2) Without prejudice to the foregoing provisions of this Schedule, the Minister may give directions to local planning authorities requiring them, in such cases or classes of case as may be specified in the directions, to notify to him and to such other persons as may be so specified any applications made to them for listed building consent, and the decisions taken by the authorities thereon.
- 7 (1) Where an application is made to the local planning authority for listed building consent and the consent is refused by the authority or is granted by them subject to conditions, the applicant, if he is aggrieved by the decision, may by notice served in the prescribed manner within such period as may be prescribed, not less than twenty-eight days from the receipt by him of notification of the decision, appeal to the Minister.
- (2) A person appealing under this paragraph may include in his notice thereunder, as the ground or one of the grounds of his appeal, a claim that the building is not of special architectural or historic interest and ought to be removed from any list compiled or approved by the Minister under section 32 of the principal Act, or—

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- (a) in the case of a building to which section 40(10) of this Act applies, that the Minister should give a direction under that subsection with respect to the building ; or
  - (b) in the case of a building subject to a building preservation notice under section 48 of this Act, that the building should not be included in a list compiled or approved under the said section 32.
- (3) Subject to the following provisions of this paragraph, the Minister may allow or dismiss an appeal thereunder, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, and—
- (a) may deal with the application as if it had been made to him in the first instance ; and
  - (b) may, if he thinks fit, exercise his power under section 32 of the principal Act to amend any list compiled or approved thereunder by removing from it the building to which the appeal relates or his power under section 40(10) of this Act to direct that that subsection shall no longer apply to the building.
- (4) Before determining an appeal under this paragraph, the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (5) The decision of the Minister on any appeal under this paragraph shall be final.
- 8 Where an application is made to the local planning authority for listed building consent, then unless within the prescribed period from the date of the receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—
- (a) give notice to the applicant of their decision on the application ; or
  - (b) give notice to him that the application has been referred to the Minister in accordance with directions given under paragraph 3 of this Schedule,
- the provisions of paragraph 7 of this Schedule shall apply in relation to the application as if listed building consent had been refused by the authority and as if notification of their decision had been received by the applicant at the end of the prescribed period or at the end of the said extended period, as the case may be.

## PART II

### REVOCATION OF LISTED BUILDING CONSENT

- 9 (1) If it appears to the local planning authority, having regard to the development plan and to any other material considerations, that it is expedient to revoke or modify listed building consent in respect of any works to a building, being consent granted on an application made under Part I of this Schedule, the authority, subject to the following provisions of this paragraph, may by order revoke or modify the consent to such extent as (having regard to these matters) they consider expedient.
- (2) An order under this paragraph shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.
- (3) Where a local planning authority submit an order to the Minister for confirmation under this paragraph, the authority shall serve notice on the owner and on the occupier

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of the building affected and on any other person who in their opinion will be affected by the order ; and if within such period as may be specified in that notice (not being less than twenty-eight days after the service thereof) any person on whom the notice is served so requires, the Minister, before confirming the order, shall afford to that person and to the local planning authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

- (4) The power conferred by this paragraph to revoke or modify listed building consent in respect of any works may be exercised at any time before those works have been completed, but the revocation or modification shall not affect so much of those works as has been previously carried out.
- 10 (1) If it appears to the Minister, after consultation with the local planning authority, to be expedient that an order under paragraph 9 above should be made, he may give directions to the authority requiring them to submit to him such an order for his confirmation, or may himself make such an order ; and any order so made by the Minister shall have the like effect as if it had been made by the authority and confirmed by the Minister under that paragraph.
- (2) The provisions of paragraph 9 above shall have effect, subject to any necessary modifications, in relation to any proposal by the Minister to make such an order by virtue of this paragraph, in relation to the making thereof by the Minister, and in relation to the service of copies thereof as so made.
- 11 (1) Where listed building consent is revoked or modified by an order under this Part of this Schedule, then if on a claim made to the local planning authority in the time and in the manner prescribed by regulations under this Act, it is shown that a person interested in the building—
- (a) has incurred expenditure in carrying out works which are rendered abortive by the revocation or modification, or
  - (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,
- the authority shall pay to that person compensation in respect of that expenditure, loss or damage.
- (2) For the purposes of this paragraph, any expenditure incurred in the preparation of plans for the purposes of any works, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out those works.
- (3) Subject to sub-paragraph (2) above, no compensation shall be paid under this paragraph in respect of any works carried out before the grant of the listed building consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that consent.
- 12 (1) The following provisions shall have effect where the local planning authority have made an order under paragraph 9 of this Schedule but have not submitted the order to the Minister for confirmation by him, and—
- (a) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to the order ; and
  - (b) it appears to the authority that no claim for compensation is likely to arise under paragraph 11 above.

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- (2) The authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement shall specify—
  - (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by the order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose; and
  - (b) the period (not less than fourteen days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Minister, the order may take effect by virtue of this paragraph and without being confirmed by the Minister.
- (3) The authority shall also serve notice to the same effect on the persons mentioned in sub-paragraph (1)(a) above, and the notice shall include a statement of the effect of sub-paragraph (7) below.
- (4) The authority shall send a copy of any advertisement published under sub-paragraph (2) above to the Minister, not more than three days after the publication.
- (5) If within the period referred to in sub-paragraph (2)(a) above no person claiming to be affected by the order has given notice to the Minister as aforesaid and the Minister has not directed that the order be submitted to him for confirmation, the order shall at the expiration of the period referred to in sub-paragraph (2)(b) above take effect by virtue of this paragraph and without being confirmed by the Minister as required by paragraph 9 of this Schedule.
- (6) This paragraph does not apply to an order revoking or modifying a listed building consent granted by the Minister under Part V of this Act or under this Schedule.
- (7) No compensation shall be payable under paragraph 11 of this Schedule in respect of an order under paragraph 9 thereof which takes effect by virtue of this paragraph and without being confirmed by the Minister.

### PART III

#### PROCEEDINGS ON LISTED BUILDING PURCHASE NOTICE

- 13 (1) The council on whom a listed building purchase notice is served, shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—
  - (a) that the council are willing to comply with the purchase notice; or
  - (b) that another local authority or statutory undertakers specified in the notice under this sub-paragraph have agreed to comply with it in their place ; or
  - (c) that for reasons specified in the notice under this subparagraph, the council are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place and that they have transmitted a copy of the purchase notice to the Minister, on a date specified in the notice under this sub-paragraph, together with a statement of the reasons so specified.
- (2) Where the council on whom a listed building purchase notice is served by an owner have served on him a notice in accordance with sub-paragraph (1)(a) or (b) above the council, or the other local authority or statutory undertakers specified in the notice,

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as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of section 50 of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under sub-paragraph (1) of this paragraph.

- (3) Where the council on whom a listed building purchase notice is served by an owner propose to serve on him a notice in accordance with sub-paragraph (1)(c) above, they shall transmit a copy of the purchase notice to the Minister together with a statement of their reasons ; and section 131 of the principal Act (procedure on reference of purchase notice to the Minister) shall then apply in relation to the purchase notice as it applies in relation to a purchase notice under section 129 of that Act (refusal or conditional grant of planning permission), with the substitution for references therein to the Minister taking action under section 132 of that Act of references to his taking action under paragraph 14 of this Schedule.
- 14 (1) Subject to the following provisions of this paragraph, if the Minister is satisfied that the conditions specified in paragraphs (a) to (c) of section 42(1) of this Act are fulfilled in relation to a listed building purchase notice, he shall confirm the notice:
- Provided that, if he is satisfied that the said conditions are fulfilled only in respect of part of the land, he shall confirm the notice only in respect of that part and the notice shall have effect accordingly.
- (2) The Minister shall not confirm the purchase notice unless he is satisfied that the land comprises such land contiguous or adjacent to the building as is in his opinion required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.
- (3) If it appears to the Minister to be expedient to do so in the case of a listed building purchase notice served on account of listed building consent being refused or granted subject to conditions, he may, in lieu of confirming the purchase notice, grant listed building consent for the works in respect of which the application was made or, where such consent for those works was granted subject to conditions, revoke or amend those conditions so far as it appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of those works.
- (4) If it appears to the Minister to be expedient to do so, in the case of a listed building purchase notice served on account of listed building consent being revoked or modified by an order under Part II of this Schedule, he may, in lieu of confirming the notice, cancel the order revoking the consent or, where the order modified the consent by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the works in respect of which the consent was granted.
- (5) If it appears to the Minister that the land, or any part of it, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other works for which listed building consent ought to be granted, he may in lieu of confirming the listed building purchase notice or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that listed building consent for those works shall be granted in the event of an application being made in that behalf.
- (6) If it appears to the Minister that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable tune by the carrying out of any development for which planning permission ought to be granted, he may, in lieu

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of confirming the listed building purchase notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that planning permission for that development shall be granted in the event of an application being made in that behalf.

- (7) If it appears to the Minister, having regard to the probable ultimate use of the building or the site thereof, that it is expedient to do so, he may, if he confirms the notice, modify it either in relation to the whole or in relation to any part of the land, by substituting another local authority or statutory undertakers for the council on whom the notice was served.
- (8) In section 131 of the principal Act as applied by paragraph 13(3) above, any reference to the taking of action by the Minister under this paragraph is a reference to the taking by him of any such action as is mentioned in sub-paragraphs (1) or (3) to (7) of this paragraph, or to the taking by him of a decision not to confirm the purchase notice on the grounds that any of the conditions specified in paragraphs (a) to (c) of section 42(1) of this Act are not fulfilled.
- 15 (1) Where the Minister confirms a listed building purchase notice, the council on whom the notice was served (or, if under paragraph 14(7) above the Minister modified the notice by substituting another local authority or statutory undertakers for that council, that other authority or those undertakers) shall be deemed to be authorised to acquire the relevant interest compulsorily in accordance with the provisions of section 50 of this Act and to have served a notice to treat in respect thereof on such date as the Minister may direct.
- (2) If, before the end of the relevant period, the Minister has neither confirmed the purchase notice nor taken any such action in respect thereof as is mentioned in sub-paragraphs (3) to (6) of paragraph 14 above, and has not notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the end of that period and the council on whom the notice was served shall be deemed to have been authorised to acquire the relevant interest compulsorily in accordance with the provisions of section 50 of this Act and to have served a notice to treat in respect thereof at the end of that period.
- (3) In this paragraph—
- (a) " the relevant interest " means the owner's interest in the land or, if the purchase notice is confirmed by the Minister in respect of only part of the land, the owner's interest in that part;
  - (b) " the relevant period " is whichever of the following periods first expires, that is to say—
    - (i) the period of nine months beginning with the date of the service of the purchase notice ; and
    - (ii) the period of six months beginning with the date on which a copy of the purchase notice was transmitted to the Minister.
- (4) Where the Minister has notified the owner by whom a listed building purchase notice has been served of a decision on his part to confirm, or not to confirm, the notice (including any decision to confirm the notice only in respect of part of the land, or to give any direction as to the granting of listed building consent), and that decision of the Minister is quashed under the provisions of Part XI of the principal Act, the purchase notice shall be treated as cancelled, but the owner may serve a further listed building purchase notice in its place.



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- (5) For the purpose of any regulations made under this Act as to the time within which a listed building purchase notice may be served, the service of a purchase notice under sub-paragraph (4) above shall not be treated as out of time if the notice is served within the period which would be applicable in accordance with those regulations if the decision to refuse listed building consent or to grant it subject to conditions (being the decision in consequence of which the listed building purchase notice is served) had been made on the date on which the decision of the Minister was quashed as mentioned in sub-paragraph (4) above.
- 16 Where in consequence of listed building consent being revoked or modified by an order under Part II of this Schedule, compensation is payable in respect of expenditure incurred in carrying out any works to the building in respect of which the consent was granted, then if a listed building purchase notice is served in respect of an interest in the land, any compensation payable in respect of the acquisition of that interest in pursuance of the purchase notice shall be reduced by an amount equal to the value of the works in respect of which compensation is payable by virtue of that paragraph.

## PART IV

### PROVISIONS ABOUT LISTED BUILDING ENFORCEMENT NOTICES

- 17 (1) A listed building enforcement notice shall be served on the owner and occupier of the building to which it relates, and on any other person having an interest in the building, being an interest which in the opinion of the authority is materially affected by the notice.
- (2) Subject to the following provisions of this Schedule, a listed building enforcement notice shall take effect at the end of such period, not less than twenty-eight days after the service of the notice, as may be specified therein.
- (3) The local planning authority may withdraw a listed building enforcement notice (without prejudice to their power to serve another) at any time before it takes effect; and if they do so, they shall forthwith give notice of the withdrawal to every person who was served with the notice.
- 18 (1) A person on whom a listed building enforcement notice is served, or any other person having an interest in the building to which it relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on any of the following grounds :—
- (a) that the building is not of special architectural or historic interest;
  - (b) that the matters alleged to constitute a contravention of section 40 of this Act do not involve such a contravention ;
  - (c) that the works were urgently necessary in the interests of safety or health, or for the preservation of the building ;
  - (d) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;
  - (e) that the notice was not served as required by paragraph 17 of this Schedule;
  - (f) that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;

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- (g) that the period specified in the notice as the period within which any steps required thereby are to be taken falls short of what should reasonably be allowed ;
  - (h) that the steps required by the notice to be taken would not serve the purpose of restoring the character of the building in its former state.
- (2) An appeal under this paragraph shall be made by notice in writing to the Minister, which shall indicate the grounds of appeal and state the facts on which it is based ; and on any such appeal the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (3) Where an appeal is brought under this paragraph, the notice shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) Where an appeal is brought under this paragraph,—
- (a) the Minister may correct any informality, defect or error in the notice if he is satisfied that the informality, defect or error is not material;
  - (b) in a case where it would otherwise be a ground for determining the appeal in favour of the appellant that a person required by paragraph 17 of this Schedule to be served with the notice was not served, the Minister may disregard that fact if he is satisfied that the person has not been substantially prejudiced by the failure to serve him.
- (5) On the determination of an appeal under this paragraph, the Minister shall give directions for giving effect to his determination, including, where appropriate, directions for quashing the listed building enforcement notice or for varying the terms of the notice in favour of the appellant, and the Minister may—
- (a) grant listed building consent for the works to which the notice relates or, as the case may be, discharge any condition subject to which such consent was granted and substitute any other condition, whether more or less onerous ;
  - (b) in so far as any works already executed constitute development for which planning permission is required, grant such permission in respect of the works ;
  - (c) if he thinks fit, exercise his power under section 32 of the principal Act to amend any list compiled or approved thereunder by removing from it the building to which the appeal relates or his power under section 40(10) of this Act to direct that that subsection shall no longer apply to the building.
- (6) Any planning permission granted by the Minister under sub-paragraph (5) above shall be treated as granted on an application for the like permission under Part III of the principal Act, and any listed building consent granted by him thereunder shall be treated as granted on an application for the like consent under Part I of this Schedule ; and—
- (a) in relation to the grant thereunder either of planning permission or of listed building consent, the Minister's decision shall be final;
  - (b) for the purposes of section 19(4) of the principal Act (local planning authority's register of planning applications) a decision of the Minister to grant planning permission shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

## PART V

### PROVISIONS APPLICABLE ON LAPSE OF BUILDING PRESERVATION NOTICE

- 19 The provisions of this Part of this Schedule apply where a building preservation notice ceases to be in force by virtue of section 48(3) of this Act, otherwise than by reason of the building to which it relates being included in a list compiled or approved under section 32 of the principal Act.
- 20 The fact that the building preservation notice has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 40 or 45 of this Act committed by him with respect to the said building while the notice was in force.
- 21 Any proceedings on or arising out of an application for listed building consent made while the building preservation notice was in force shall lapse and any listed building consent granted with respect to the building, while the notice was in force, shall also lapse.
- 22 Any listed building enforcement notice served by the local planning authority while the building preservation notice was in force shall cease to have effect and any proceedings thereon under Part IV of this Schedule shall lapse, but section 46(1) and (2) of this Act shall continue to have effect as respects any expenses incurred by the local authority, owner or occupier as therein mentioned and with respect to any sums paid on account of such expenses.

## SCHEDULE 6

Section 62.

### CONSTRUCTION OF REFERENCES IN SECTIONS 62 AND 63 TO " THE RESPONSIBLE MINISTER OR MINISTERS ".

- 1 In relation to matters specified in the first column of the Table below (being in each case a matter mentioned in paragraph (a), (b), (c) or (d) of section 62(1) above as one which may be referred to a Planning Inquiry Commission under that section) " the responsible Minister or Ministers " for the purposes of sections 62 and 63 of this Act—
- (a) in the case of a matter affecting England only, are those specified opposite in the second column of the Table ;
  - (b) in the case of a matter affecting Wales only, are those specified opposite in the third column of the Table; and
  - (c) in the case of a matter affecting both England and Wales, are those specified opposite in the fourth column of the Table.
- 2 Where an entry in the second, third or fourth columns of the Table specifies two or more Ministers, that entry shall be construed as referring to those Ministers acting jointly.

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TABLE

Referred matter	Affecting England only	Affecting Wales only	Affecting both England and Wales
1. Application for planning permission or appeal under section 23 of the principal Act-			
(a) relating to operational land of statutory undertakers, or to land in the case of which the circumstances mentioned in section 70(2) of this Act are present.	The Minister of Housing and Local Government and the appropriate Minister (if different).	The Secretary of State and the appropriate Minister (if different).	The Secretary of State, the Minister of Housing and Local Government and the appropriate Minister (if different).
(b) relating to other land.	The Minister of Housing and Local Government.	The Secretary of State.	The Secretary of State and the Minister of Housing and Local Government.
2. Proposal that a government department should give a direction under section 41 of the principal Act or that development should be carried out by or on behalf of a government department.	The Minister of Housing and Local Government and the Minister (if different) in charge of the government department concerned.	The Secretary of State and the Minister (if different) in charge of the government department concerned.	The Secretary of State, the Minister of Housing and Local Government and the Minister (if different) in charge of the government department concerned.

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## SCHEDULE 7

Section 96.

## PROCEDURE IN CONNECTION WITH ORDERS RELATING TO FOOTPATHS AND BRIDLEWAYS.

## PART I

## CONFIRMATION OF ORDERS

- 1 (1) Before an order under section 94 or 95 of this Act is submitted to the Minister for confirmation or confirmed as an unopposed order, the authority by whom the order was made shall give notice in the prescribed form—
- (a) stating the general effect of the order and that it has been made and is about to be submitted for confirmation or to be confirmed as an unopposed order ;
  - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours ; and
  - (c) specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.
- (2) Subject to sub-paragraph (4) below, the notice to be given under sub-paragraph (1) above shall be given—
- (a) by publication in the London Gazette and in at least one local newspaper circulating in the area in which the land to which the order relates is situated ; and
  - (b) by serving a like notice on—
    - (i) every owner, occupier and lessee (except tenants for a month or a period less than a month and statutory tenants within the meaning of the Rent Act 1968) of any of that land,
    - (ii) every council, the council of every rural parish and the parish meeting of every rural parish not having a separate parish council, being a council or parish whose area includes any of that land ; and
    - (iii) any statutory undertakers to whom there belongs, or by whom there is used, for the purposes of their undertaking, any apparatus under, in, on, over, along or across that land ; and
  - (c) by causing a copy of the notice to be displayed in a prominent position at the ends of so much of any footpath or bridleway as is to be stopped up, diverted or extinguished by virtue of the order.
- (3) In the foregoing sub-paragraph " council " means a county council, a county borough council, a county district council, the Greater London Council or a London borough council.
- (4) Except in the case of an owner, occupier or lessee being a local authority or statutory undertakers, the Minister may in any particular case direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i) above ; but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to " the owners and any occupiers " of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.

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- (5) Where under this paragraph a notice is required to be served on an owner of land and the land belongs to an ecclesiastical benefice, a like notice shall be served on the Church Commissioners.
- 2 If no representations or objections are duly made, or if any so made are withdrawn, the authority by whom the order was made may, instead of submitting the order to the Minister, themselves confirm the order (but without any modification).
- 3 (1) If any representation duly made is not withdrawn, the Minister shall, before confirming the order, if the objection is made by a local authority cause a local inquiry to be held, and in any other case either—
- (a) cause a local inquiry to be held ; or
  - (b) afford to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Minister for the purpose,
- and, after considering the report of the person appointed to hold the inquiry or to hear representations or objections, may confirm the order, with or without modifications:
- Provided that in the case of an order under section 94 of this Act, if objection is made by statutory undertakers on the ground that the order provides for the creation of a public right of way over land covered by works used for the purpose of their undertaking, or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- (2) Notwithstanding anything in the foregoing provisions of this paragraph, the Minister shall not confirm an order so as to affect land not affected by the order as submitted to him, except after—
- (a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made ;
  - (b) holding a local inquiry or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Minister for the purpose ; and
  - (c) considering the report of the person appointed to hold the inquiry or to hear representations or objections as the case may be ;
- and, in the case of an order under section 94 of this Act, if objection is made by statutory undertakers on the ground that the order as modified would provide for the creation of a public right of way over land covered by works used for the purposes of their undertaking, or over the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- 4 (1) The Minister shall not confirm an order under section 94 of this Act which extinguishes a right of way over land under, in, on, over, along or across which there is any apparatus belonging to or used by statutory undertakers for the purpose of their undertaking, unless the undertakers have consented to the confirmation of the order ; and any such consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require.

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- (2) The consent of statutory undertakers to any such order shall not be unreasonably withheld ; and any question arising under this paragraph whether the withholding of consent is unreasonable, or whether any requirement is reasonable, shall be determined by whichever Minister is the appropriate Minister in relation to the statutory undertakers concerned.
- 5 Regulations under this Act may, subject to this Part of this Schedule, make such provision as the Minister thinks expedient as to the procedure on the making, submission and confirmation of orders under sections 94 and 95 of this Act.

## PART II

### PUBLICITY FOR ORDERS AFTER CONFIRMATION

- 6 As soon as may be after an order under section 94 or 95 of this Act has been confirmed by the Minister or confirmed as an unopposed order, the authority by whom the order was made shall publish, in the manner required by paragraph 1(2) of this Schedule, a notice in the prescribed form, describing the general effect of the order, stating that it has been confirmed, and naming a place where a copy thereof as confirmed may be inspected free of charge at all reasonable hours, and shall—
- (a) serve a like notice and a copy of the order as confirmed on any persons on whom notices were required to be served under the said paragraph 1(2) or under paragraph 1(4); and
  - (b) cause a like notice to be displayed in the like manner as the notice required to be displayed under the said paragraph 1(2) :

Provided that no such notice or copy need be served on a person unless he has sent to the authority a request in that behalf, specifying an address for service.

## SCHEDULE 8

Section 101.

### INCREASE OF PENALTIES UNDER PRINCIPAL ACT.

#### *Section 16 (Notification of application for planning permission to owners of the land and others)*

In subsection (5) (penalty for issuing false certificate under section 16(1) or issuing certificate containing statements known to be false or misleading), for the words " a fine not exceeding fifty pounds " there shall be substituted the words " a fine not exceeding £100 ".

#### *Section 47 (Penalties for non-compliance with enforcement notice)*

In subsection (1) (land owner liable to a fine if enforcement notice not complied with) for the words " on summary conviction to a fine not exceeding one hundred pounds " there shall be substituted the words " on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine ".

In subsection (4) (further penalty, after conviction under section 47(1), for failure to take the steps required by the notice) for the words " on summary conviction to a fine not exceeding twenty pounds " there shall be substituted the words " on summary conviction to a fine not

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exceeding £50 " and at the end of the subsection there shall be added the words " or on conviction on indictment to a fine ".

In subsection (5) (penalty for use of land in contravention of enforcement notice) for the words from " shall be liable " to the end of the subsection there shall be substituted the words " shall be liable on summary conviction to a fine not exceeding £400, or on conviction on indictment to a fine ; and if the use is continued after the conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £50 for every day on which the use is so continued, or on conviction on indictment to a fine ".

*Section 51 (Effect of enforcement notice on subsequent development)*

In subsection (5) (reinstatement of building demolished or altered in compliance with enforcement notice), for the words " on summary conviction to a fine not exceeding one hundred pounds " there shall be substituted the words " on summary conviction to a fine not exceeding £400 ".

*Section 56 (Non-compliance with notice requiring proper maintenance of unoccupied or waste land)*

In subsection (2) (continuance or aggravation of the injury after expiration of notice under section 36) for the words " on summary conviction to a fine not exceeding twenty pounds " there shall be substituted the words " on summary conviction to a fine not exceeding £50 ".

*Section 61 (Enforcement of orders requiring discontinuance of use or alteration or removal of buildings or works)*

In subsection (1) (penalty for non-compliance with notice under section 28) for the words " on summary conviction to a fine not exceeding one hundred pounds " there shall be substituted " on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine " ; and for the words " on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued " there shall be substituted the words " on summary conviction to a fine not exceeding £50 for every day on which the use is so continued or on conviction on indictment to a fine ".

*Section 63 (Enforcement of control of advertisements)*

In subsection (2) (penalty for displaying advertisement in contravention of regulations) for the words from " on summary conviction " to the end of the subsection there shall be substituted the words " on summary conviction to a fine of such amount as may be prescribed by the regulations not exceeding £100 and, in the case of a continuing offence, £5 for each day during which the offence continues after conviction ".

*Section 212 (Supplementary provisions as to rights of entry)*

In subsection (3) (penalty for disclosure of trade secrets obtained on entry to a factory or other place of work) for the words " on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months " there shall be substituted the words " on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both ".



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*Section 215 (Power to require information as to interests in land)*

For subsection (2) (penalties for non-compliance or dishonest compliance with request for information) there shall be substituted the following subsections:—

- “(2) Any person who, having been required in pursuance of this section to give any information, fails to give that information shall be liable on summary conviction to a fine not exceeding £100.
- (3) Any person, who having been so required to give any information knowingly makes any misstatement in respect thereof shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both”.

SCHEDULE 9

Section 106.

ADAPTATION AND INTERPRETATION OF ENACTMENTS, ETC.

**PART I**

GENERAL PROVISIONS FOR ADAPTATION AND INTERPRETATION

- 1 For the purposes of the principal Act, this Act, any other enactment relating to town and country planning, the Land Compensation Act 1961 and Part II of the Land Commission Act 1967, the development plan for any district outside Greater London (whether the whole or part of the area of a local planning authority) shall be taken as consisting of—
- (a) the provisions of the structure plan for the time being in force for that area or the relevant part of that area, together with the Minister's notice of approval of the plan ;
  - (b) any alterations to that plan, together with the Minister's notices of approval thereof ;
  - (c) any provisions of a local plan for the time being applicable to the district, together with a copy of the authority's resolution of adoption or, as the case may be, the Minister's notice of approval of the local plan ; and
  - (d) any alterations to that local plan, together with a copy of the authority's resolutions of adoption or, as the case may be, the Minister's notices of approval thereof.
- 2 For the said purposes the development plan for any district in Greater London (whether the whole or part of the area of a London borough) shall be taken as consisting of—
- (a) the provisions of the Greater London development plan and of the structure plan prepared by the council of that borough and for the time being in force in that area or the relevant part of that area together with the Minister's notices of approval of the plans ;
  - (b) any alterations to those plans, together with the Minister's notices of approval thereof ;
  - (c) any provisions of a local plan for the time being applicable to the district, together with a copy of the resolution of adoption of the relevant council or, as the case may be, the Minister's notice of approval of the local plan ; and

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- (d) any alterations to that local plan, together with a copy of the resolutions of adoption of the relevant council or, as the case may be, the Minister's notices of approval thereof.
- 3 References in paragraphs 1 and 2 above to the provisions of any plan, notices of approval, alterations and resolutions of adoption shall, in relation to a district forming part of the area to which they are applicable, be respectively construed as references to so much of those provisions, notices, alterations and resolutions as is applicable to the district.
- 4 References in paragraphs 1 to 3 above to notices of approval shall in relation to any plan or alteration made by the Minister under section 12 of this Act be construed as references to notices of the making of the plan or alteration.
- 5 Any reference in the principal Act to the carrying out of a survey or the preparation, approval, making or amendment of a development plan under Part II of that Act or to a plan or amendment approved or made under the said Part II shall be construed as a reference to the carrying out of a survey or the preparation, approval, adoption, making or amendment of a structure plan or local plan under Part I of this Act or, as the case may be, to a plan or amendment approved, adopted or made thereunder.
- 6 References in any Act to the acquisition of land under Part V of the principal Act or to land acquired thereunder (including references which, by Schedule 14 to that Act, are to be construed as such) shall be respectively construed as, or as including (according as the context requires), references to the acquisition of land under any provision of this Act and to land acquired under any such provision, and—
- (a) any such references in sections 82, 83 and 164 to 169 of that Act (ancillary provisions as to the acquisition of land) shall be respectively construed as also including references to the compulsory acquisition of land under any enactment other than the principal Act and this Act and to land compulsorily acquired under any such enactment, and
  - (b) in section 130(2) (effect of purchase notice accepted by local planning authority or statutory undertakers) and section 133(1) (confirmation of purchase notice by Minister) of that Act, references to compulsory acquisition shall, in the case of statutory undertakers, be construed as references to any statutory provision (however expressed) under which the undertakers have power, or may be authorised, to purchase land compulsorily for the purposes of their undertaking.
- 7 Any reference in the Land Compensation Act 1961 to an area defined in the current development plan as an area of comprehensive development shall be construed as a reference to an action area for which a local plan is in force.
- 8 The foregoing provisions of this Schedule shall have effect subject to any specific provision contained in Part II of this Schedule and to the provisions of Schedule 10 to this Act.

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## PART II

### SPECIFIC ADAPTATIONS, AMENDMENTS AND MODIFICATIONS

#### *The Highways Act 1959 (c. 25)*

- 9 In section 38(2) (specification of highways which are to be maintainable at the public expense), in paragraph (e), after the words " public path diversion order " there shall be inserted the words " or in consequence of an order made by the Minister of Transport or the Minister of Housing and Local Government under section 153 of the Town and Country Planning Act 1962 or by a competent authority under section 94 of the Town and Country Planning Act 1968 ".

#### *The Public Health Act 1961 (c. 64)*

- 10 In Schedule 4 (attachment of street lighting equipment to buildings), for the second item in the Table there shall be substituted the following:—

“A building which is included in a list compiled or approved under section 32 of the Town and Country Planning Act 1962.

The Minister of Housing and Local Government.”

#### *The Town and Country Planning Act 1962 (c. 38)*

- 11 Any reference to section 68 of the Act shall be construed (according as the context may require) as including, or as being replaced by, a reference to section 28 of this Act.
- 12 In section 3(1) (delegation of functions of local planning authorities) the reference to the functions specified in subsection (2) of that section (that is to say, functions under Parts III and IV and section 180 of the Act) shall be construed as including a reference to functions under Parts II and V and sections 65 to 68, 78 and 80 of this Act.
- 13 In section 15(1)(b) (certain planning applications not to be determined by local planning authority before expiration of a specified period), for the words from " appearing from the evidence " onwards there shall be substituted the words " of the application ".
- 14 In section 16(1) (application for planning permission to be accompanied by certificate that the applicant is the owner or a tenant of the land, or that he has served on the owners notice of his intention to apply, or that he does not know who the owners are),—
- (a) in paragraph (c) for the words " and that " to the end of the paragraph there shall be substituted the words " that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so "; and
  - (b) in paragraph (d), for the words " and that " to the end of the paragraph there shall be substituted the words " that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and

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- addresses of the persons mentioned in paragraph (b) of this subsection and that he has been unable to do so ".
- 15 In section 17 (determination of planning applications),—
- (a) at the beginning of subsection (1)(a) there shall be inserted the words " Subject to sections 65 and 66 of the Act of 1968 "; and
  - (b) in subsection (2), for the words from " appearing from the evidence " onwards there shall be substituted the words " of the application ".
- 16 In section 19 (provision which can be made by regulations or a development order with respect to the manner in which planning applications are to be dealt with), in subsection (2)(a), after the word " authority " there shall be inserted the words " either indefinitely or ".
- 17 In section 32(4) (duty of Minister to notify the owner and occupier of a building when it has become, or ceased to be, listed) for the words " the Minister shall serve a notice " there shall be substituted the words " the council of the county borough, London borough or county district in whose area the building is situated, on being informed of the fact by the Minister, shall serve a notice in the prescribed form ".
- 18 So much of section 34(4) (definition of areas of special control in connection with the control of advertisements) as provides for the definition of such areas by reference to the provisions of a development plan shall cease to have effect.
- 19 In section 37(1) (power of local planning authority to make agreements with land-owners restricting or regulating the development or use of their land), the words " with the approval of the Minister " shall be omitted.
- 20 In section 49(1) (supplementary provisions as to enforcement notices) for the words " any development " there shall be substituted the words " any breach of planning control (as defined by section 15 of the Act of 1968) " and for the words " by whom the development was carried out " there shall be substituted the words " by whom the breach of planning control was committed ".
- 21 In section 63 (enforcement of control of advertising) in subsection (1), after the words " this Part of this Act " there shall be inserted the words " or Part II of the Act of 1968 ".
- 22 In section 64 (supplementary provisions as to appeals under Part IV)—
- (a) in subsection (1), after the words " this Part of this Act " there shall be inserted the words " or under Part II of the Act of 1968 or Part IV of Schedule 5 to that Act ";
  - (b) in the second of the subsections numbered (3), after the words " this Part of this Act " there shall be inserted the words " or under Part II of the Act of 1968 or Part IV of Schedule 5 to that Act ".
- 23 In section 65 (recovery by local planning authority of expenses of enforcement), after the word " Act " there shall be inserted the words " or of the provisions of Part II of the Act of 1968 or Part IV of Schedule 5 to that Act ".
- 24 In section 66 (local authority land),—
- (a) in subsection (1), after the words " this Part of this Act " there shall be inserted the words " and Part II of the Act of 1968 "; and
  - (b) in subsection (2) after the words " this Part of this Act " there shall be inserted the words " or Part II of the Act of 1968 ".

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- 25 In section 71(1) (acquisition of land by agreement), for paragraph (b) there shall be substituted the following paragraphs:—
- “(b) any building appearing to them to be of special architectural or historic interest; and
  - (c) any land comprising or contiguous or adjacent to it which appears to the Minister to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.”
- 26 In section 73(1) (appropriation of land for planning purposes), the words " specified in a development plan (being a purpose " shall cease to have effect.
- 27 In section 78(2) (cases where the Minister's consent is needed for the disposal of land held for planning purposes) for paragraph (b) there shall be substituted the following paragraph:—
- “(b) of land acquired or appropriated for planning purposes for a reason mentioned in section 28(1)(a) to (c) of the Act of 1968 ; or”.
- 28 In section 78(7) (special provisions as to land comprised in or contiguous or adjacent to areas of comprehensive development), for paragraphs (a) and (b) there shall be substituted the words " to land acquired or appropriated for planning purposes for a reason mentioned in section 28(1)(a) to (c) of the Act of 1968 ".
- 29 In section 86(1) of the principal Act (objections to compulsory purchase orders), for the words from the beginning to " acquisition " there shall be substituted the words " Where it is proposed that land should be acquired compulsorily under section 28 or 29 of the Act of 1968 ".
- 30 In section 126 (compensation for restrictions on advertising), in paragraph (a) for the words " on the seventh day of January, nineteen hundred and forty-seven and was being displayed on the date on which the regulations came into force, or " there shall be substituted the words " on 1st August 1948, or ".
- 31 In section 127 (general provisions as to compensation for depreciation under Part VII), in subsection (2), after the word " thereof " there shall be inserted the words " or under Part V or section 92 of the Act of 1968 ".
- 32 In section 128(1) (determination of claims for compensation) after the word " Act ", in the second place where it occurs, there shall be inserted the words " or Part II or Part V or section 92 of the Act of 1968 ".
- 33 In section 159 (determination of applications etc. by statutory undertakers in respect of operational land) the following amendments shall be made:—
- (a) in subsection (1), after the words " such an application " there shall be inserted the words " or such an application is deemed to be made under section 16(7) of the Act of 1968 on an appeal under that section by statutory undertakers ";
  - (b) after subsection (1) there shall be inserted the following subsection:—
    - “(1A) An application for planning permission which is deemed to have been made by virtue of section 18(6) of the Act of 1968 shall be determined by the Minister and the appropriate Minister.”
- 34 In section 160(2) (Ministers responsible for dealing with planning application by statutory undertakers where development authorised by a government department), for the words " as mentioned in the preceding subsection " there shall be substituted the words " in respect of any development of operational land ".

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- 35 In section 176 (validity of development plans, and of certain orders and certain actions of the Minister, not to be questioned in legal proceedings, subject to following provisions of Part XI of the Act), the following amendments shall be made:—
- (a) for subsection (1)(a) there shall be substituted the following paragraph—
    - “(a) a structure plan, a local plan or any alteration, repeal or replacement of any such plan, whether before or after the plan, alteration, repeal or replacement has been approved or adopted, or”;
  - (b) in subsection (1)(b), after the word " Act " there shall be inserted the words " or sections 91, 92, 94 or 95 of the Act of 1968 ";
  - (c) at the end of subsection (2) there shall be added the following paragraph:—
    - “(f) any order under Part II of Schedule 5 to the Act of 1968”.
  - (d) in subsection (3), at the end of paragraph (c) there shall be inserted the words " under section 129 of this Act or section 42 of the Act of 1968 ", in paragraph (d) for the words " a purchase notice " (wherever occurring) there shall be substituted the words " such a purchase notice " , and at the end of the subsection there shall be inserted the following paragraphs:—
    - “(g) any decision of the Minister to grant planning permission under section 16(5)(a) of the Act of 1968 ;
    - (h) any decision of the Minister on an application for an established use certificate referred to him under section 18(1) of the Act of 1968 ;
    - (f) any decision of the Minister on an appeal under section 18(2) of the Act of 1968 ;
    - (j) any decision by the Minister to confirm a completion notice under section 68 of that Act;
    - (k) any decision of the Minister on an application referred to him under paragraph 3 of Schedule 5 to the Act of 1968, being an application for listed building consent for any works ;
    - (l) any decision of the Minister on an appeal to him under paragraph 7 of that Schedule ;
    - (m) any decision of the Minister under paragraph 18(5)(a) of that Schedule to grant listed building consent for any works or under paragraph 18(5)(b) of that Schedule to grant planning permission in respect of any works.”
- 36 In section 177 (validity of enforcement notices and similar notices) the following subsections shall be substituted for subsections (1) to (3) :—
- “(1) Subject to this section—
- (a) the validity of an enforcement notice shall not, except by way of an appeal under Part II of the Act of 1968, be questioned in any proceedings whatsoever on any of the grounds specified in paragraphs (b) to (e) of section 16(1) of that Act;
  - (b) the validity of a listed building enforcement notice under section 44 of the Act of 1968 shall not, except by way of an appeal under Part IV of Schedule 5 to that Act be questioned in any proceedings whatsoever on any of the grounds specified in sub-paragraphs (b) or (e) of paragraph 18(1) of that Schedule.

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- (2) Subsection (1)(a) above shall not apply to proceedings brought under section 47(5) of this Act against a person who—
- (a) has held an interest in the land since before the enforcement notice was served under Part II of the Act of 1968; and
  - (b) did not have the enforcement notice served on him thereunder ; and
  - (c) satisfies the court that—
    - (i) he did not know and could not reasonably have been expected to know that the enforcement notice had been served ; and
    - (ii) his interests have been substantially prejudiced by the failure to serve him.”

37 For section 178 (proceedings for questioning validity of development plans and certain orders) there shall be substituted the following section:—

- “~~178~~(1) If any person aggrieved by a structure plan or local plan or by any alteration, repeal or replacement of any such plan, desires to question the validity of the plan, alteration, repeal or replacement on the ground that it is not within the powers conferred by Part I of the Act of 1968, or that any requirement of the said Part I or of any regulations made thereunder has not been complied with in relation to the approval or adoption of the plan, alteration, repeal or replacement, he may, within six weeks from the date of the publication of the first notice of the approval or adoption of the plan, alteration, repeal or replacement required by regulations under section 13(1) of that Act, make an application to the High Court under this section.
- (2) On any application under this section the High Court—
- (a) may by interim order wholly or in part suspend the operation of the plan, alteration, repeal or replacement, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ;
  - (b) if satisfied that the plan, alteration, repeal or replacement is wholly or to any extent outside the powers conferred by Part I of the Act of 1968, or that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of the said Part I or of any regulations made thereunder, may wholly or in part quash the plan, alteration, repeal or replacement, as the case may be, either generally or in so far as it affects any property of the applicant.
- (3) The preceding provisions of this section shall apply to an order under section 153 or 155 of this Act or under section 91 or 92 of the Act of 1968 as they apply to a structure plan, as if, in subsection (1) of this section, for the reference to the notice therein mentioned, there were substituted a reference to the notice required by section 154(6) of this Act.
- (4) The said provisions shall apply to an order under section 94 or 95 of the Act of 1968 as they apply to a structure plan as if, in subsection (1) of this section, for the reference to the date on which the notice therein mentioned is first published there were substituted a reference to the date on which the notice required by paragraph 6 of Schedule 7 to that Act is first published in accordance with that paragraph.

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- (5) Subsections (1) and (2) of this section shall apply, subject to any necessary modifications, to an order under section 168 of this Act as they apply to a structure plan.”
- 38 In section 179(6) (construction of references in that section to confirmation of an order) the words from " do not " to " (with that exception) " shall be omitted.
- 39 In section 180 (appeals to High Court relating to enforcement notices)—
- (a) for subsection (1) there shall be substituted the following subsection:—
- “(1) Where the Minister gives a decision in proceedings on an appeal—
- (a) under Part II of the Act of 1968 against an enforcement notice: or
- (b) under Part IV of Schedule 5 to that Act against an enforcement notice under section 44 of that Act,
- the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Minister to state and sign a case for the opinion of the High Court.”;
- (b) subsection (2) shall be omitted ; and
- (c) in subsection (3), for the words " in either of the preceding subsections " there shall be substituted the words " in subsection (1) of this section ".
- 40 In section 183 (orders subject to special parliamentary procedure), after the word " Act ", where first occurring, there shall be inserted the words " or section 91 or 92 of the Act of 1968 ".
- 41 In section 188 (contributions by Ministers towards compensation paid by local authorities) after the words " Part III of this Act " there shall be inserted the words " or Part II, III or V of the Act of 1968 ".
- 42 In section 189 (contribution by local authorities and statutory undertakers)—
- (a) in subsection (2)(b) after the words " Part V of this Act " there shall be inserted the words " or Part II or Part V of the Act of 1968 or Schedule 5 to that Act ";
- (b) in subsection (3), after the words " Part III of this Act " there shall be inserted the words " or Part II or V of the Act of 1968 ".
- 43 In section 196 (expenses of county councils), after the word " thereto ", there shall be inserted the words " or under the provisions of the Act of 1968 ".
- 44 In section 197(1) (power to modify Act in relation to minerals) after the word " thereto " there shall be inserted the words " and the provisions of the Act of 1968 ".
- 45 In section 199 (exercise of powers in relation to Crown land) the following amendments shall be made:—
- (a) in subsection (1)(a) after the words " Part II of this Act " there shall be inserted the words " or the Greater London development plan ";
- (b) in subsection (2)(a) for the words " sections twenty-eight to thirty-one, section thirty-six or section forty-five of this Act " there shall be substituted the words " section 28, 29 or 36 of this Act or section 15 or 44 of the Act of 1968 ";
- (c) for subsection (3) there shall be substituted the following subsections :—



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- “(3) No enforcement notice shall be served under section 15 of the Act of 1968 in respect of development carried out by or on behalf of the Crown after the appointed day on land which was Crown land at the time when the development was carried out.
- (3A) No enforcement notice under section 44 of the Act of 1968 shall be served in respect of works executed by or on behalf of the Crown in respect of a building which was Crown land at the time when the works were executed.”
- (d) in subsection (4), after the words " No purchase notice " there shall be inserted the words " under section 129 of this Act or section 42 of the Act of 1968 ".
- 46 In section 203(1) (Scilly Isles) after the words " Eighth Schedule thereto " there shall be inserted the words " and of the provisions of the Act of 1968 ".
- 47 In section 204(1) (application to the National Coal Board of provisions of the principal Act relating to statutory undertakers), the reference to any of the provisions of that Act specified in paragraph 1 of Schedule 8 thereto shall be construed as including a reference to sections 69 to 71 of this Act.
- 48 In section 205 (ecclesiastical property)—
- (a) in subsection (1), the words " specified in paragraph 1 of the Eighth Schedule thereto " shall be omitted ; and
- (b) in subsection (3), after the words " under Part VII of this Act " there shall be inserted the words " or under section 20, 49 or 92 of the Act of 1968 ".
- 49 Section 207 (default powers of Minister) shall be amended as follows: —
- (a) in subsection (2) the following shall be substituted for paragraph (c):—
- “(c) tree preservation orders and orders amending or revoking them”;
- (b) in subsection (4), for paragraphs (a) and (b) there shall be substituted the following paragraphs :—
- “(a) an enforcement notice under section 15 of the Act of 1968 or under the provisions of that section as applied by regulations made under section 34 of this Act; or
- (b) a notice under section 36 of this Act; or
- (c) a stop notice under section 19 of the Act of 1968 ; or
- (d) an enforcement notice under section 44 of that Act; or
- (e) a completion notice under section 68 of that Act”
- and for the words (in the proviso) from " an enforcement notice " to " this Act " there shall be substituted the words " an enforcement notice under section 15 or 44 of the Act of 1968 which is served by the Minister, the provisions of sections 47 to 51 of this Act or, as the case may be, sections 45 and 46 of that Act "; and
- (c) for subsection (5)(a) there shall be substituted the following paragraph:—
- “(a) that the council of a county, county borough, London borough or county district or the Common Council of the City of London have failed to take steps for the acquisition of any land which, in the opinion of the Minister, ought to be acquired by that council under section 28 of the Act of 1968 for a purpose which it is necessary to achieve in

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the interests of the proper planning of an area in which the land is situated ; or”.

- 50 Section 211 (general powers of entry) shall be amended as follows:—
- (a) at the end of subsection (1)(c) there shall be added the words " or to serve any notice under Part II or Part V of the Act of 1968 " ;
  - (b) after that subsection there shall be inserted the following subsection :—
    - “(1A) Any person duly authorised in writing by the Minister may at any reasonable time enter any land for the purpose of surveying any building thereon in connection with a proposal to include the building in, or exclude it from, a list compiled or approved under section 32 of this Act.
    - (1B) Any person duly authorised in writing by the Minister or a local planning authority may at any reasonable time enter any land for the purpose of ascertaining whether, with respect to any building on the land, an offence has been, or is being, committed under Part V of the Act of 1968, or whether the building is being maintained in a proper state of repair.”
  - (c) in subsection (3), at the end there shall be added the words " or under any provision of the Act of 1968 " ;
  - (d) in subsection (4), for the words from " a Minister " to " so designated " there shall be substituted the words " a local authority or Minister authorised to acquire land under section 28 or 29 of the Act of 1968 " .
- 51 In section 215(1) (power to require information as to interests in land), the words " specified in paragraph 1 of the Eighth Schedule thereto " shall be omitted.
- 52 In section 217 (regulations and orders)—
- (a) in subsection (1)(a) the words " specified in paragraph 1 of the Eighth Schedule thereto " shall be omitted ; and
  - (b) in subsection (3), the words " specified in paragraphs 1 and 3 of the Eighth Schedule thereto " shall be omitted ;
  - (c) after subsection (3), there shall be inserted the following subsection:—
    - “(3A) Without prejudice to subsection (3) above, where an order has been made—
      - (a) by the Minister of Transport, either before or after the commencement of section 89 of the Act of 1968, under section 153(1) of this Act or section 49 of the Town and Country Planning Act 1947 ; or
      - (b) by the Minister of Housing and Local Government under the said section 153(1),
 so much of the order as relates to a footpath or bridleway may be varied or revoked by an order made under the said section 153(1) by either of those two Ministers.”
- 53 Section 221(1) (interpretation) shall be amended as follows:—
- (a) after the definition of " the Act of 1959 " there shall be inserted the following:—
    - “the Act of 1968 ' means the Town and Country Planning Act 1968”;

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- (b) in the definition of " enforcement notice " for the words " section forty-five of this Act " there shall be substituted the words " section 15 of the Act of 1968 ";
  - (c) in the definition of " owner ", the reference to section 47 of the principal Act and the words " or agent " shall be omitted.
- 54 In paragraph 5 of Schedule 2 (joint advisory committees for advising constituent authorities as to the preparation of development plans and other matters) the reference to development plans shall be construed as a reference to structure plans and local plans.
- 55 In Schedule 8 (provisions of principal Act listed for the purposes of sections of the Act referred to in the Schedule heading), the following amendments shall be made:—
- (a) in paragraph 1(1)—
    - for the words " Sections 1 to 12 " there shall be substituted the words " Sections 1 to 3 ; section 12 ";
    - for the words " sections 27 to 39 ; sections 41 to 87 " there shall be substituted the words " sections 27 to 29 ; section 32 ; sections 34 to 39 ; sections 41 to 44 ; sections 47 to 51 ; sections 56 to 66 ; sections 70 to 73 ; sections 77 to 87 " ; and
    - the words " section 210 " shall be omitted ; and
    - for the words " the 1st, 2nd, 3rd and 4th Schedules " ; there shall be substituted the words " the 1st, 2nd and 3rd Schedules " ;
  - (b) in paragraph 3(1) for the words " sections 138 to 151 " there shall be substituted the words " sections 138 to 142 ; sections 144 to 151 " .
- 56 In Schedule 13 (savings and transitional provisions) in paragraph 6(2), for the words " Part IV of this Act " there shall be substituted the words " Part II of the Act of 1968 " .

*The London Government Act 1963 (c. 33)*

- 57 In section 21 (housing powers) the reference to an area of comprehensive development shall be construed as a reference to an action area for which a local plan is in force.
- 58 For section 24(3) (local planning authorities) there shall be substituted the following subsection:—
- “(3) Subject to subsection (4) of this section, to sections 28 and 29 of this Act and to the Town and Country Planning Act 1968 (hereafter in this Act referred to as 'the 1968 Planning Act'), for all purposes of the Planning Act and the said Act of 1968 the local planning authority as respects any London borough shall be the council of the borough and as respects the City shall be the Common Council; and—
- (a) any application under Part III of the Planning Act for planning permission for any development shall be made to, and, subject to the said subsection (4) and section 22 of the Planning Act, shall be determined by, such as may be appropriate of those councils ; and
  - (b) any application under Part V of the 1968 Planning Act for listed building consent shall be made and, subject to the said subsection (4)

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and paragraph 3 of Schedule 5 to that Act, be determined as aforesaid ;

but, except in any case or class of cases with respect to which the Greater London Council otherwise direct, each London borough and the Common Council shall cause a copy of every decision made by them on an application mentioned in paragraph (a) or (b) of this subsection to be sent to the Greater London Council, together with a copy of the application and such other information relating thereto and to the decision as the Greater London Council may reasonably require”.

59 In section 24(4),—

- (a) after the words " Planning Act " where first occurring, there shall be inserted the words " and of the 1968 Planning Act (except sections 17 and 18 of that Act) ";
- (b) the reference to sections 45 to 51 of the Act shall be construed as including a reference to Part II of this Act.

60 After the said section 24(4) there shall be inserted the following subsection:—

“(4A) The Greater London Council shall as respects any London borough or the City have, concurrently with the local planning authority, the functions of a local planning authority under sections 44 to 53 and 55 of, and Part IV of Schedule 5 to, the 1968 Planning Act ", and references in those provisions to the local planning authority shall be construed accordingly.”

61 In section 24(5) and (9) the references to sections 24 to 29 of the Act shall be construed as including references to Part I of this Act.

*The Control of Office and Industrial Development Act 1965 (c. 33)*

62 In section 8 (provisions as to conditions to be attached to planning permissions under section 6 or 7),—

- (a) in subsection (1), for the words from " or subject to " onwards there shall be substituted the words " or section 85 or 86 of the Town and Country Planning Act 1968, or subject to which planning permission is by virtue of any of those sections or section 87(1) of the said Act of 1968 deemed to have been granted, whether or not it is a condition which could have been imposed apart from this Act or those sections of the said Act of 1968 ";
- (b) in subsection (3), for the words " apart from the provisions of this Part of this Act, and would have been imposed if this Part of this Act had not been enacted " there shall be substituted the words " apart from the provisions of this Part of this Act and sections 85 and 86 of the Town and Country Planning Act 1968 and would have been imposed if this Part of this Act and those sections had not been enacted "; and
- (c) in subsection (4), for the words " under section 46 of the Act of 1962 " there shall be substituted the words " under section 16 of the Town and Country Planning Act 1968 ".

63 Section 9 (enforcement notices relating to land in Greater London) shall be amended as follows:—

- (a) in subsection (3)(a) for the words " section 45(3) of the Act of 1962 " there shall be substituted the words " section 15(4) of the Town and Country Planning Act 1968 ";

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- (b) in subsection (3)(6) for the words " section 45(4)(b)" there shall be substituted the words " section 15(5)(b) and (6) ";
- (c) in subsection (4) for the words " section 45(5) of the Act of 1962" there shall be substituted the words " section 15(7) of the Town and Country Planning Act 1968 " ; for the words " section 46(3)" there shall be substituted the words " section 16(3) ",  
and for the words " section 45(5) or section 46(3)" there shall be substituted the words " section 15(7) or 16(3) ";
- (d) in subsection (5), for the words " section 46(1) of the Act of 1962 " there shall be substituted the words " section 16(1) of the said Act of 1968 ".
- (e) in subsection (6) for the words " section 46 of the Act of 1962" there shall be substituted the words " section 16 of the Town and Country Planning Act 1968 ; for the words " paragraphs (a) to (c)" there shall be substituted the words " paragraphs (a) and (b) " ; and for the words " section 177(1) of that Act " there shall be substituted the words " section 177(1)(a) of the Act of 1962 ".

64 In section 16 (interpretation of Part I), in subsection (7), for the words from " section 64(2)" onwards there shall be substituted the words " section 16(7) or 18(6) of the Town and Country Planning Act 1968 is deemed to have been made for such planning permission as is mentioned in the said section 16(7) or, as the case may be, the said section 18(6) ".

*The Industrial Development Act 1966 (c. 34)*

65 In section 22 (requirement of industrial development certificate in certain cases), in subsection (4) for the words from " section 64(2)" onwards there shall be substituted the words " section 16(7) or 18(6) of the Town and Country Planning Act 1968 is deemed to have been made for such planning permission as is mentioned in the said section 16(7) or, as the case may be, the said section 18(6) ".

66 In section 24 (provisions as to conditions of industrial development certificates),—

- (a) in subsection (3), for the words " On an appeal under section 46 of the said Act of 1962 " there shall be substituted the words " On an appeal under section 16 of the Town and Country Planning Act 1968 ";
- (b) in subsection (9)(b), after the word " reference ", where first occurring, there shall be inserted the words " in this section as originally enacted ".

*The Land Commission Act 1967 (c. 1)*

67 In section 6(3) (conditions precedent to the compulsory purchase of land by the Land Commission) the reference in paragraph (b) to the current development plan shall be construed as a reference to a local plan for the time being applicable to the district and any alterations thereto (including a plan or alterations made available for inspection in pursuance of section 7(2) of this Act, but not yet in force) and the authority's resolutions of adoption or, as the case may be, the Ministers' notices of approval or making of the plan or alterations.

*The General Rate Act 1967 (c. 9)*

68 In Schedule 1 (rating of unoccupied property), in paragraph 2(c) for the words " is the subject of a building preservation order under section 30 of the Town and Country Planning Act 1962 or is included in a list compiled or approved under

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section 32 of that Act " there shall be substituted the words " is the subject of a building preservation notice as defined by section 48 of the Town and Country Planning Act 1968 or is included in a list compiled or approved under section 32 of the Town and Country Planning Act 1962 ".

*The Civic Amenities Act 1967 (c. 69)*

69 In section 1 (preservation of character of areas of special architectural or historic interest), at the end of subsection (5)(a) there shall be inserted the words " or the Planning Act of 1968 ".

70 In section 3 (acts causing or likely to result in damage to listed buildings),—

(a) in subsection (1), for the words " not being a building of a description specified in section 30(2) of the Planning Act " there shall be substituted the words " not being a building of a description specified in section 41(1) of the Planning Act of 1968 ";

and for the words " that Act " there shall be substituted the words " the Planning Act ";

(b) in subsection (2), for the words " works of which notice has been given in pursuance of section 33 of that Act or which are lawful by subsection (2) of that section " there shall be substituted the words " works for which listed building consent has been given under Part V of the Planning Act of 1968 ".

71 Section 8 (management of buildings acquired under section 69 of Planning Act) shall be amended as follows :—

(a) in subsection (1), for the words " under section 69(1) or section 71(1)(b) of the Planning Act " there shall be substituted the words " under section 71(1) (b) of the Planning Act or section 50(1) of the Planning Act of 1968 ";

(b) in subsection (2), for the words " section 69(2) of the Planning Act " there shall be substituted the words " section 50(2) of the Planning Act of 1968 ";

(c) in subsection (3)(b), after the word " references " (where first occurring) there shall be inserted the words " in this section as originally enacted ".

72 In section 14 (default powers and appeals in relation to replacement of trees), in subsection (3) for the words " subsections (2) to (5) of section 46 " there shall be substituted the words " section 16(2), (3) and (4)(a) of the Planning Act of 1968 and so much of section 16(5) of that Act as enables the Minister to give directions ".

73 In section 16 (power of local planning authority to make tree preservation order with immediate effect)—

(a) in subsection (1), the words " by the Minister " shall be omitted; and

(b) for subsections (2) and (3) there shall be substituted the following subsections:—

“(2) Notwithstanding section 29(4) of the Planning Act, an order which contains such a direction shall take effect provisionally on such date as may be specified therein and shall continue in force by virtue of this section until—

- (a) the expiration of a period of six months beginning with the date on which the order was made ; or
- (b) the date on which the order is confirmed or, in the case of an order which can be confirmed only by the Minister, on

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which he notifies the authority who made the order that he does not propose to confirm it;  
whichever first occurs.

(3) Provision shall be made by regulations under the Planning Act for securing—

- (a) that the notices to be given of the making of a tree preservation order containing a direction under this section shall include a statement of the effect of the direction ; and
- (b) that where the Minister, in the case of an order which can be confirmed only by him, within the period of six months referred to in subsection (2) above, notifies the authority that he does not propose to confirm the order, copies of that notice shall be served on the owners and occupiers of the land to which the order related.”

74 In section 30 (interpretation), in subsection (1), after the definition of " the Planning Act " there shall be inserted the following :—

“the Planning Act of 1968 ' means the Town and Country Planning Act 1968”.

*The Leasehold Reform Act 1967 (c. 88)*

75 In section 28(6) (description of development which, if proposed to be undertaken by a local authority, public or other body, may restrict the rights under the Act of tenants of the land affected) for the words from " in order to secure " to " comprehensive development " there shall be substituted the following:—

“in order to secure—

- (a) the development or re-development of an area defined by a development plan under the Town and Country Planning Act 1962 as an area of comprehensive development; or
- (b) the treatment as a whole, by development, redevelopment, or improvement, or partly by one and partly by another method, of any area in which the property is situated”.

SCHEDULE 10

Section 107.

TRANSITIONAL PROVISIONS AND SAVINGS.

*Development plans*

1 Until the repeal of Part II of the principal Act and, where applicable, section 25 of the London Government Act 1963 as respects any district (whether the whole or part of the area of a local planning authority), proposals for any alterations or additions to a development plan in force in the area consisting of or comprising that district shall not without the approval of the Minister be submitted to him under section 6 of the principal Act or under section 26 of the said Act of 1963.

2 On the repeal of the said Part II and, where applicable, the said section 25 as respects any district, the development plan which was in force in the area consisting of or

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- comprising that district immediately before the repeal takes effect (hereafter in this Schedule referred to as " the old development plan ") shall, subject to the following provisions of this Schedule, continue in force as respects that district and be treated for the purposes of the principal Act, this Act, any other enactment relating to town and country planning, the Land Compensation Act 1961 and the Land Commission Act 1967 as being comprised in, or as being, the development plan therefor.
- 3 Subject to the following provisions of this Schedule, where by virtue of paragraph 2 above the old development plan for any district is treated as being comprised in a development plan for that district and there is a conflict between any of its provisions and those of the structure plan for that district, the provisions of the structure plan shall be taken to prevail for the purposes of Part III, IV, V, VI and VIII of the principal Act, Parts II and VI of this Act and Schedule 5 to this Act.
- 4 Where a structure plan is in force in any district, but no local plan is in force in that district, a street authorisation map prepared in pursuance of the Town and Country Planning (Development Plans) Regulations 1965 or the Town and Country Planning (Development Plans for Greater London) Regulations 1966 for any area consisting of or comprising that district shall—
- (a) if in force immediately before the structure plan comes into force be treated for the purposes of this Act as having been adopted as a local plan by the local planning authority ;
  - (b) if immediately before the structure plan comes into force it was under consideration by the Minister be treated for those purposes as having been so adopted on being approved by the Minister.
- 5 Where a structure plan is in force in any district, but no local plan is in force in that district, then, for any of the purposes of the Land Compensation Act 1961,—
- (a) the development plan or current development plan shall as respects that district be taken as being whichever of the following plans gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, that is to say, the structure plan, so far as applicable to the district, and any alterations thereto, together with the Minister's notice of approval of the plan and alterations, and the old development plan ;
  - (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in whichever of the following areas leads to such assumptions as aforesaid, that is to say, any area wholly or partly within that district selected by the structure plan as an action area and the area so defined in the old development plan.
- 6 Subject to paragraph 7 below, the Minister may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the area of a local planning authority or in its application to part of that area and make such consequential amendments to the plan as appear to him to be necessary or expedient.
- 7 Before making an order with respect to a development plan under paragraph 6 above, the Minister shall consult with the local planning authority for the area to which the plan relates or, where the area is a London borough, with the council of that borough and the Greater London Council.
- 8 Any reference in the foregoing provisions of this Schedule to a development plan shall as respects any district in Greater London, be construed as a reference to the initial development plan within the meaning of section 25 of the London



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Government Act 1963, the Greater London development plan and any development plan prepared for the area consisting of or comprising that district by the council of the relevant London borough.

- 9 Any reference in paragraphs 1 and 2 above to the repeal of Part II of the principal Act or section 25 of the London Government Act 1963 shall, in a case where that repeal is brought by an order under section 105 of this Act into operation on different days, be construed as a reference to a repeal of such of the provisions of the said Part II or the said section 25 as may be specified in the order.

#### *Enforcement of planning control*

- 10 (1) References in this Act to an enforcement notice shall be construed as not including references to an enforcement notice served, before the commencement of Part II of this Act, under section 45 of the principal Act, or having effect by virtue of paragraph 11 or 12 of Schedule 13 to the principal Act, or paragraph 1 or 17 of Schedule 14 to that Act.
- (2) In relation to an enforcement notice so served, the provisions of the principal Act, and of any other Act passed before this Act, shall continue to apply as if this Act had not been passed.
- (3) Nothing in this paragraph shall prevent the withdrawal, after the said commencement, of an enforcement notice so served or the service thereafter of an enforcement notice under Part II of this Act.
- 11 Section 9 of the Control of Offices and Industrial Development Act 1965 shall, in relation to an enforcement notice served before the commencement of Part II of this Act, have effect as originally enacted and not as amended by paragraph 63 of Schedule 9 to this Act.
- 12 The amendment of section 14 of the Civic Amenities Act 1967 which is made by paragraph 72 of Schedule 9 to this Act shall not have effect in relation to a notice served under that section before the commencement of Part II of this Act.

#### *Acquisition of land*

- 13 Sections 27 to 29 of this Act shall not apply to any land the acquisition of which was, immediately before the commencement of those sections, authorised by a compulsory purchase order made by a local authority or statutory undertakers or by a Minister, or was then proposed to be authorised by such an order which had not been confirmed by a Minister or, as the case may be, had been prepared in draft by a Minister, but with respect to which a notice had then been published in accordance with paragraph 3(1)(a) of Schedule 1 to the Act of 1946.
- 14 Section 30 of this Act shall not apply to the compulsory acquisition of land with respect to which a compulsory purchase order was in force before the commencement of that section.
- 15 In relation to a notice served under section 139 of the principal Act before the commencement of section 33 and 34 of this Act, and to any hereditament or agricultural unit which is the subject of the notice, sections 140 to 151 of the principal Act shall, after that commencement, have effect without any of the amendments made by Part IV of this Act.

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- 16 (1) Notwithstanding any amendment by this Act of sections 138 to 151 of the principal Act, the description of land contained in section 138(1)(b) of that Act (land allocated by a development plan for the purposes of a government department, etc.) shall continue as one of the specified descriptions for the purposes of those sections in their application to any district to which this paragraph applies.
- (2) This paragraph applies to any district for which no local plan is in force under Part I of this Act—
- (a) allocating any land in the district for the purposes of such functions as are mentioned in section 33(1)(a) of this Act; or
  - (b) defining any land in the district as the site of proposed development for the purposes of any such functions.
- (3) To the extent that section 138(1)(b) of the principal Act survives by virtue of this paragraph and for so long as it does so, the amendment by this Act of section 139(3)(a) of that Act (definition of "relevant date" by reference to section 138(1)(b)) shall be treated as not displacing the reference in that paragraph to section 138(1)(b).
- 17 The validity of a compulsory purchase order made under section 67, 68 or 69 of the principal Act shall not be affected by the repeal of that section ; and a compulsory purchase order made (but not confirmed), or made in draft, before the repeal of that section took effect may be confirmed or made thereunder as if this Act had not been passed.

*Buildings of architectural or historic interest*

- 18 (1) Where, before the commencement of Part V of this Act, consent under a building preservation order has been given, either by the local planning authority or by the Minister on appeal, for the execution of any works, the consent shall operate in respect of those works as listed building consent, subject to the same conditions (if any) as were attached to the consent under the building preservation order.
- (2) In the case of demolition works for which consent has been given under a building preservation order compliance with section 40(4)(b) of this Act shall not be required.
- 19 Where, before the commencement of Part V of this Act an application has been made for consent under a building preservation order for any works, any proceedings pending at the commencement of Part V of this Act and arising out of the application (including any appeal) may be continued and disposed of under and in accordance with title provisions of Part V of this Act corresponding to provisions of the building preservation order as to the making of applications, the decision of the local planning authority thereon and appeals to the Minister against the said decision.
- 20 The repeal by this Act of section 30 of the principal Act shall not prevent a council from taking such proceedings as could have been taken to enforce any building preservation order made under that section and for securing the restoration of a building to its former state as could have been taken but for the repeal; and in relation to any such proceedings the provisions of the order and of any provisions of the principal Act incorporated therein, shall continue to have the same effect as if this Act had not been passed.

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*The National Coal Board*

- 21 The provisions of Part X of the principal Act applied by regulations under section 204(1) of that Act in relation to the National Coal Board and land of that Board shall, until the coming into operation of the first regulations made under that subsection after the commencement of sections 69 to 71 of this Act, continue to have effect as so applied as if those sections had not been enacted.

SCHEDULE 11

Section 108.

ENACTMENTS REPEALED.

Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 36.	The Post Office Act 1953.	In section 47(5), the words "Town and Country Planning Act 1947".  In Schedule 1, paragraphs 4 to 7.
5 & 6 Eliz. 2. c. 48.	The Electricity Act 1957.	Section 36(1).
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	In section 17(3), paragraph (a) and in paragraph (c) the words "made the subject of such a building preservation order as aforesaid or".
6 & 7 Eliz. 2. c. 30.	The Land Powers (Defence) Act 1958.	Section 8(4).
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	Section 26(5)(b).
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	In the Schedule, so much as amends paragraphs 5, 6 and 7 of Schedule 1 to the Post Office Act 1953.
9 & 10 Eliz. 2. c. 33.	The Land Compensation Act 1961.	In section 9, the word "designation".  In section 39(1), the words "by the Minister".
10 & 11 Eliz. 2. c. 36.	The Local Authorities (Historic Buildings) Act 1962.	In section 1(1)(b), the words "with the consent of the Minister of Housing and Local Government".
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	Part II.  In section 13, in subsection (6), the words from the beginning to

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Chapter	Short Title	Extent of Repeal
		<p>" control; and " and subsection (10).</p> <p>Section 23(3).</p> <p>In section 29(5), the words " and, subject to " onwards.</p> <p>Sections 30, 31 and 33.</p> <p>In section 34(4), the words from " either " to " plans or ".</p> <p>In section 37(1), the words " with the approval of the Minister ".</p> <p>Sections 45 and 46.</p> <p>Section 47(7).</p> <p>Sections 52 to 55.</p> <p>Section 62(2) to (4).</p> <p>In section 64, subsection (2) and the first of the subsections numbered (3).</p> <p>Sections 67 to 69.</p> <p>In section 71(1)(a), the words in parenthesis.</p> <p>In section 73(1) the words from " specified " to " a purpose ".</p> <p>Sections 74 to 76.</p> <p>Section 86(4) and (5).</p> <p>In section 125, in subsection (1), the words " or may under section thirty of this Act be made by a building preservation order " and subsection (2).</p> <p>In section 128(1), the words " or building preservation order ".</p> <p>Section 138(1)(a) and (b).</p> <p>In section 139(3)(a), the word " designated " wherever it occurs.</p> <p>Section 143.</p>

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Chapter	Short Title	Extent of Repeal
		<p>In section 145, subsection (3), in subsection (4) the words " and (6) " and subsection (6).</p> <p>Section 150(5).</p> <p>Section 159(2), subject to the exception in section 70(3) of this Act.</p> <p>Section 160(1), subject as aforesaid.</p> <p>Section 161(2), subject as aforesaid.</p> <p>Section 162(2), subject as aforesaid.</p> <p>In section 163, in subsection (3), the words from " or the land " to " acquisition ", paragraph (b) (subject to the exception in section 70(3) of this Act), and subsection (4).</p> <p>Section 165(3), subject to the exception in section 70(3) of this Act.</p> <p>In section 176, subsection (2) (d), and in subsection (3) (c) the words " or building preservation order ".</p> <p>In section 179, in the proviso to subsection (4), the words " or building preservation orders "; and in subsection (6) the words from " do not include " to " (with that exception) ".</p> <p>Section 180(2).</p> <p>Section 183(1).</p> <p>In section 199, in subsection (1)(a), the words from " and may " to " acquisition ", and subsection (2)(b).</p>

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Chapter	Short Title	Extent of Repeal
1963 c. 33.	The London Government Act 1963.	<p>In section 200(2), the words " the Crown Estate Commissioners or by ".</p> <p>In section 203(1) the words " of this Act ", in the second place where they occur.</p> <p>Section 210.</p> <p>In section 221(1), the definitions of " building preservation order " and " development plan ", and in the definition of " owner " the words " and forty-seven " and " or agent ".</p> <p>Schedule 4.</p> <p>In Schedule 13, paragraph 3.</p> <p>In section 24(6), the words from " and in particular " onwards.</p> <p>Sections 25 to 27.</p> <p>Section 28(2) and (3).</p> <p>In section 29, in subsection (1) the words " 68(1) " and " and 207(5)"; subsection (2); and in subsection (6) the words " 8 " and " 199, 211(1)(a) and 217(2) " and the words from " and in the case " onwards.</p>
1965 c. 59.	The New Towns Act 1965.	<p>Sections 15 to 17.</p> <p>Schedule 7.</p>
1967 c. 1.	The Land Commission Act 1967.	Section 6(3)(c).
1967 c. 69.	The Civic Amenities Act 1967.	<p>In section 1(6), paragraphs (b) and (c).</p> <p>In section 2, in subsection (1), the words " subsection (1) of section 33 of the Planning Act and "; in subsection (2) the words " subsection (3) of section 62 of the Planning Act and "; and in subsection (3) the words " the said section 33(1)</p>

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Chapter	Short Title	Extent of Repeal
		<p>or " and the words " sections 52(3) and 62(3) of the Planning Act and ".</p> <p>In section 6(2), the words " in respect of which a building preservation order is in force or ".</p> <p>Sections 7, 9 and 10.</p> <p>In section 16(1), the words " by the Minister ".</p>