

Status: Point in time view as at 01/10/2006.

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SCHEDULES

SCHEDULE 17

COMMUNITY LAND ACT

PART IV

SAVINGS AND SUPPLEMENTARY

General

- 6 This Part of this Schedule contains savings and supplementary provisions in respect of certain provisions of the 1975 Act repealed by this Act.

Offences

- 7 No repeal by section 101 above and this Schedule affects liability for any offence committed before the repeal takes effect.

Suspension of planing permission

- 8 (1) Sub-paragraphs (2) to (5) below shall have effect in consequence of the repeal by this Act of section 22.
- (2) Where planning permission has been suspended under section 19 or 20—
- (a) no enforcement notice under Part V of the 1971 Act or under Part V of the Scottish Act of 1972 may be served after the passing of this Act if it could not have been served before then apart from section 22(1);
 - (b) if such a notice has been served before the passing of this Act and it could not have been served apart from section 22(1), the notice shall be disregarded (subject to paragraph 7 above, which has the effect of saving liability for an offence committed before the repeal of section 22(1)).
- (3) Where planning permission has been suspended under section 19 or 20, in determining, after the passing of this Act, the value of any land for the purpose of compensation, section 22(2) and (3) shall be ignored.
- (4) Where—
- (a) planning permission has been suspended under section 19 or 20, and
 - (b) by virtue of section 22(6) the right to serve a blight notice has arisen in respect of an interest in any land (“the blighted land”), and
 - (c) a notice has been served in respect of the interest before the passing of this Act,

then, notwithstanding the repeal of section 22, 192(1) of the 1971 Act (and in Scotland section 181(1) of the Scottish Act of 1972) shall continue to have effect as if the land specified therein included the blighted land.

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- (5) Where planning permission has been suspended under section 19 or 20 and a time limit is accordingly extended under section 22(7), the period of the extension shall expire on the ending of the suspension by virtue of this Act (if it has not expired before then.)

Land Authority for Wales

F19

Textual Amendments

F1 Sch. 17 para. 9 repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

Land

- 10 (1) This paragraph applies where a compulsory purchase order has been made, or a binding contract has been entered into to acquire land, before the passing of this Act.
- (2) In that case, section 15 shall continue to apply as it applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.
- 11 (1) Where, immediately before the passing of this Act, an authority holds land for the purposes of Part III, the land shall on the passing of this Act be treated as follows.
- (2) Land held by the council of a county, district or London borough, the Common Council of the City of London, the Greater London Council or the Council of the Isles of Scilly shall be treated as if it had been acquired by the council concerned for planning purposes (within the meaning of section 133(1) of the 1971 Act).
- (3) Land held by a regional, general or district planning authority shall be treated as if it had been acquired by the authority concerned for planning purposes (within the meaning of section 122(1) of the Scottish Act of 1972).
- (4) Land held by a new town authority (that is, a development corporation as defined in section 2 of the ^{M1}New Towns Act 1965, or in section 2 of the ^{M2}New Towns (Scotland) Act 1968) shall be treated as if it had been acquired by the authority under that Act.
- (5) Land held by the Peak Park Joint Planning Board or the Lake District Special Planning Board shall be treated as if it had been acquired by the Board concerned under section 119 of this Act.

Marginal Citations

M1 1965 c. 59.

M2 1968 c. 16 (123:4).

General duties of authorities

- 12 (1) Sub-paragraphs (2) and (3) below shall have effect in consequence of the repeal of section 17 and Schedule 6.

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- (2) In exercising any function after the passing of this Act an authority need not have regard to the matters specified in section 17 and Schedule 6.
- (3) In disposing, or agreeing to dispose, of an interest in land after the passing of this Act, an authority need not have regard to an application (whenever made) under paragraph 2 of Schedule 6.

Planning permission for relevant development

- 13 (1) Sub-paragraphs (2) to (8) below shall have effect in consequence of the repeal by this Act of sections 19 and 20 and Schedule 7.
- (2) Where an election is made under section 19(2) before the passing of this Act, an authority on whom the notice is served need not—
 - (a) send a copy to any other authority under section 19(2), or
 - (b) serve a notice under paragraph 4 of Schedule 7 (notice about intention to acquire).
- (3) Where an application is made before the passing of this Act for planning permission to which section 20 applied immediately before the passing of this Act, an authority need not serve a notice under paragraph 5 of Schedule 7.
- (4) An authority who have before the passing of this Act abandoned their power to purchase land (as mentioned in section 19(5) or 20(2)) are not prevented by section 19(5) or 20(2) from acquiring the land under the 1971 Act or under the Scottish Act 1972 in pursuance of a compulsory purchase order.
- (5) Planning permission suspended before the passing of this Act by virtue of section 19(6) or 20(3) shall on the passing of this Act no longer be suspended.
- (6) Any notice served under paragraph 4 or 5 of Schedule 7 before the passing of this Act shall cease to be a local land charge on the passing of this Act; and where any such notice has been registered as a local land charge the registration shall, without prejudice to any rules made under the ^{M3}Local Land Charges Act 1975, be cancelled accordingly.
- (7) No authority is under a duty to serve a notice under paragraph 6 of Schedule 7 after the passing of this Act.
- (8) After the passing of this Act, no copy of an application or notification (in each case, whenever made) need be sent under Part III of Schedule 7 (transmission of information).

Marginal Citations

M3 1975 c. 76 (98:2).

Disposal notification areas

- 14 Any saving having effect immediately before the passing of this Act by virtue of paragraph 7 of Schedule 8 shall continue to have effect notwithstanding the repeal of that paragraph by this Act.

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Direction to dispose of land

- 15 The repeal by this Act of section 45 does not affect a direction made under that section before the passing of this Act.

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