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## SCHEDULES

### SCHEDULE 1

Section 1(1).

#### PROVISIONS TO WHICH SECTION 1(1) REFERS

*Prevention of damage by Pests Act 1949 (c. 55)*

- 1 Section 2 (power to direct keeping of records etc.)
- 2 Section 12 (directions)

*Rag Flock and other Filling Materials Act 1951 (c. 63)*

- 3 Section 6 (appeals).
- 4 Section 7 (appeals)
- 5 Section 15 (regulations about fees for tests).

*Food and Drugs Act 1955 (4 & 5 Eliz. 2) (c. 16)*

- [<sup>F1</sup>6 Section 99 (requirement to transmit copy of public analyst's report to Minister).]

**Textual Amendments**

- F1** Word substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, [Sch. 13 para. 38\(a\)](#)

- 7 Section 109 (institution of proceedings).

*Agriculture Act 1970 (c. 40)*

- 8 Section 67 (reports).
- 9 Section 80 (institution of prosecutions).

*Local Government Act 1972 (c. 70)*

- 10 Section 138 (emergencies and disasters).

*Slaughterhouses Act 1974 (c. 3)*

- <sup>F2</sup>11 .....

**Textual Amendments**

- F2** [Sch. 1 para. 11](#) repealed (11.9.1996) by [S.I. 1996/2235](#), art. 11, [Sch.](#)

- 12 Section 12(1) (requirement to make byelaws).

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F3 13 .....

**Textual Amendments**  
F3 Sch. 1 para. 13 repealed (11.9.1996) by S.I. 1996/2235, art. 11, Sch.

SCHEDULE 2

Section 1(2).

RELAXATION OF CONTROLS OVER FUNCTIONS RELATING TO CLEAN AIR AND POLLUTION

**Modifications etc. (not altering text)**  
C1 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Clean Air Act 1956 (c. 52)

F4 1 .....

**Textual Amendments**  
F4 Sch. 2 paras. 1-6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

F5 2 .....

**Textual Amendments**  
F5 Sch. 2 paras. 1-6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

F6 3 .....

**Textual Amendments**  
F6 Sch. 2 paras. 1-6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

F7 4 .....

**Textual Amendments**  
F7 Sch. 2 paras. 1-6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

F8 5 .....

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**Textual Amendments**

**F8** Sch. 2 paras. 1-6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch. 6

*Clean Air Act 1968 (c. 62)*

<sup>F9</sup>6

**Textual Amendments**

**F9** Sch. 2 paras. 1-6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch. 6

*Control of Pollution Act 1974 (c. 40)*

- 7 In section 2—
- (a) in subsection (2) (waste disposal plans; power to modify required contents by regulations) omit the words from “but provision may be made by regulations” to the end;
  - (b) in subsection (3)(a) (duty to consult) in paragraph (vi) omit “and such other persons as are prescribed”;
  - (c) omit subsection (7) (power of Secretary of State to give authority direction as to the time by which it is to perform duty).
- 8 In section 5—
- (a) in subsection (1) (application for disposal licence to be made in writing and include prescribed information) omit “and include such information as is prescribed”;
  - (b) in subsection (2) (disposal licences and planning) omit the words from “but provision may be made by regulations” to the end;
  - (c) in subsection (4)(a) (disposal authority to refer proposal to certain persons) omit “and to any other prescribed person”; and
  - (d) in subsection (5)(a) (which make similar provision in relation to Scotland) omit “and  
(iii) any other prescribed person;”.
- 9 (1) The following provisions (which relate to procedural matters connected with waste disposal) shall cease to have effect, namely—
- (a) in section 6(1), the words “as to the conditions which are or are not to be specified in a disposal licence, and”; and
  - (b) in section 11(3)(c) and (4)(a) the words “and to any other prescribed person”.
- (2) in section 6(4)(a), for “prescribed particulars” substitute “copies”.
- (3) In section 11(10) for “particulars” substitute “copies”.
- 10 (1) The following subsections shall be substituted for subsection (1) of section 13 (dustbins etc.):—
- “(1) Where a collection authority has a duty by virtue of subsection (1)(a) of the preceding section to arrange for the collection of household waste from any premises, the authority may, by a notice served on the occupier of the

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premises, require him to place the waste for collection in receptacles which are of a kind and number reasonably specified in the notice.

(1A) A person who fails to comply with any of the requirements of such a notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.”

(2) In subsection (3) of that section—

- (a) for the words “the kind or number of the receptacles required by” there shall be substituted the words “ any requirement specified in ”; and
- (b) in paragraph (c), for the words “the kind or number of receptacles” there shall be substituted the words “ any requirement ”.

(3) The following subsections shall be substituted for subsection (5):—

“(5) If it appears to a collection authority that there is likely to be situated, on any premises in its area, commercial waste or industrial waste of a kind which, if the waste is not stored in receptacles of a particular kind, is likely to cause a nuisance or to be detrimental to the amenities of the locality in which the premises are situated, the authority may, by notice served on the occupier of the premises, require him to provide at the premises receptacles for the storage of such waste which are of a kind and number reasonably specified in the notice.

(5A) A person who fails to comply with any requirement specified in the notice shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £100.”.

(4) In subsection (6), for the words “the kind or number of receptacles” there shall be substituted the words “ any requirement ”.

(5) The following subsections shall be substituted for subsection (7):—

“(7) A notice under subsection (1) or (5) of this section may make provision with respect to—

- (a) the size, construction and maintenance of receptacles for controlled waste;
- (b) the placing of receptacles on premises for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;
- (c) the placing of receptacles for that purpose of highways;
- (d) the substances which may and may not be put into the receptacles and the precautions to be taken where particular substances are put into them; and
- (e) the steps to be taken by occupiers of premises for the purposes of facilitating the collection of waste from receptacles for controlled waste which are provided in connection with the premises.

(7A) A notice under subsection (1) or (5) of this section shall not require receptacles to be placed on highways unless—

- (a) the relevant highway authority have given their consent to their being so placed; and
- (b) arrangements have been made as to the liability for any damage arising out of their being so placed.”

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- 11 (1) In section 23 (prohibition of parking to facilitate street cleaing) for subsection (2), substitute—
- “(2) Such a notice must specify the relevant area, the relevant day and the hours in question; and a copy of the notice must—
- (a) be served on the occupier of any premises adjoining the relevant area; and
  - (b) be conspicuously displayed at places in the relevant area.
- (2A) The effect of the giving of such a notice and of the service and display of copies of it as required by subsection (2) of this section shall be to suspend during the hours of the relevant day specified in the notice the operation of any provision which is contained in an order under the Road Traffic Regulation Act 1967 or a local enactment and which authorises, designates or regulates the use of a street parking place in the relevant area.
- (2B) The authority giving the notice shall cover up traffic signs and parking meters in the relevant area during the hours if the relevant day specified in the notice, but without prejudice to the effect of the notice.”.
- (2) Omit section 22(3).
- (3) For subsection (5) substitute:—
- “(5) If, either before or during the hours on the relevant day which are specified in a notice given by an authority as mentioned in subsection (1) of this section, the authority displays notices in the relevant area stating that the prohibition on parking is not to come into force or is to cease to be in force, the effect of the notices under this subsection shall be to prevent the prohibition coming into force or, as the case may be, to terminate it.”.
- (4) After subsection (6) insert:—
- “(6A) No authority shall issue a notice under this section whose effect would be to suspend the operation of provisions of an order not made by the highway authority without first consulting the authority who made the order.”.
- (5) After subsection (8) insert:—
- “(9) In this section “parking meter”, “street parking place” and “traffic sign” have the same meanings respectively assigned to them by sections 36(2)(a), 104(1) and 54 of the Road Traffic Regulation Act 1967.”.
- 12 In section 27(1)(b) (interference with receptacles for waste) for “regulations made by virtue of section 13(7)” substitute “ a notice under section 13(1) or (5) ”.
- 13 In section 28(1), (supplementary provisions relating to pipes), omit “in the prescribed form”.
- 14 In section 63 (designation of noise abatement zones), except in its application to orders made but not confirmed before the passing of this Act, omit the following words—
- (a) in subsection (1), “confirmed by the Secretary of State”;
  - (b) in subsection (3), “and confirmed”, in both places where they occur; and
  - (c) in subsection (4), “confirmation and”.

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15 Omit section 73(2)(a) (determination by Secretary of State of questions as to local authority area).

F10 16 .....

**Textual Amendments**  
F10 Sch. 2 para. 16 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

17 In section 90(2)(b) (interest on sums payable to water or other authorities) for the words from “the rate”, in the first place where they occur to the end substitute “such reasonable rate or rates as the authority may determine”.

18 For Schedule 1 substitute—

“SCHEDULE 1

NOISE ABATEMENT ZONES

- 1 Before making a noise abatement order the local authority—
  - (a) shall serve on every owner, lessee and occupier (other than tenants for a month or any period less than a month) of any of the premises within the area and of a class to which the order will relate; and
  - (b) shall publish in the London Gazette and once at least in two successive weeks in some newspaper circulating in the area to which the order will relate,
 a notice complying with the requirement set out in the following paragraph.
- 2 The requirements referred to in the preceding paragraph are that the notice—
  - (a) shall state that the local authority propose to make the order, and its general effect;
  - (b) shall specify a place in the area of the local authority where a copy of the order and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and
  - (c) shall state that within the said period any person who will be affected by the order may by notice in writing to the local authority object to the making of the order.
- 3 (1) If an objection is duly made to the local authority within the said period, and is not withdrawn, the local authority shall not make the order without first considering the objection.
  - (2) The local authority may make the order without complying with subparagraph (1) of this paragraph if they are satisfied that compliance is unnecessary having regard—
    - (a) to the nature of the premises to which the order will relate when it comes in to force; or
    - (b) to the nature of the interests of the persons who have made objections which have not been withdrawn.
  - (3) Where the order varies or revokes a previous order, the local authority may, in acting under this paragraph disregard any objection to the order which in

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- their opinion amounts in substance to an objection which was made to the previous order.
- 4 (1) Subject to paragraph 5 below, an order shall come into operation on such date after it is made as may be specified in it.
- (2) Except in the case of an order revoking an existing order or varying an existing order by excluding from it any specified class of premises, the date specified under sub-paragraph (1) above shall not be a date earlier than one month from the date on which the order is made.
- 5 If, before the date on which the order is to come into operation, the local authority—
- (a) passes a resolution postponing the coming into operation of the order; and
- (b) publishes a notice stating the effect of the resolution in the London Gazette and once at least in each of two successive weeks in a newspaper circulating in the area to which the order relates,
- the order shall, unless there is a further postponement under paragraph (a) above, come into operation in the date specified in the resolution.”

### SCHEDULE 3

Section 1(3)

#### RELAXION OF CONTROLS OVER FUNCTIONS RELATING TO AMENITY ETC.

##### **Modifications etc. (not altering text)**

**C2** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

##### *Commons Act 1876 (c. 56)*

- 1 Omit section 8 (surburban commons procedure).

##### *Commons Act 1899 (c. 30)*

- 2 (1) In section 2 (procedure for making schemes)—
- (a) in subsection (1), omit the second sentence;
- (b) in subsection (2), for “Board of Agriculture” substitute “ council ”;
- (c) in subsection (3), for “Board of Agriculture” and “Board” substitute “ council ”;
- (d) in subsection (4), for “Board of Agriculture” and for “Board”, in both places where it occurs, substitute “ Council ”.
- (2) Accordingly, for section 11 substitute—

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“11 All expenses of incidental to the preparation and execution of a scheme under this Part of this Act shall be paid by the district council.”.

3 In section 12 (contributions towards expenses) omit the words “and subject to the approval of the Local Government Board”.

*National Parks and Access to the Countryside Act 1949 (c. 97)*

4 Omit section 37 (power of Minister to expedite maps etc.).

5 In section 61(3), omit paragraph (b) of the proviso (directions as to application of enactments).

6 Omit section 62(4) (reviews of access requirements) and accordingly—  
 (a) in subsection (2), for the words from “forward” to the end substitute “publish a notice containing a statement of their opinion”; and  
 (b) in subsection (3), for “Minister” substitute “authority”.

7 For section 69 substitute—

“69 **Suspension of public access to avoid exceptional risk of fire.**

If, upon application made the the county planning authority by any person interested in land comprised in an access agreement or order, or by any other person appearing the that authority to have a sufficient interest in the matter, the authority are satisfied that, by reason of any exceptional conditions of weather for the time being prevailing, access by the public to the land or any part of it is likely to result in fires occurring on it, the authority may direct that subsection (1) of section 60 of this Act shall not have effect in relation to the land during such period as may be specified in the direction.”.

8 Omit section 79 (access to woodlands).

9 In section 80(3), (variation of access agreements) omit “made with the approval of the Minister”.

*Caravan Sites and Control of Development Act 1960 (c. 62)*

10 (1) In section 3(2) (issue of site licences by local authorities) for the words from “particulars” to the end substitute “other information as they may reasonably require.”.

(2) In subsections (4) and (5), for “particulars prescribed under” substitute “information required by virtue of”.

*London Government Act 1963 (c. 33)*

11 For section 58(1) (parks and open spaces) substitute—

“(1) The Open Spaces Act 1906, except section 14 shall have effect as if the London borough councils and the Greater London Council were included among the local authorities to whom it applies.”

*Countryside Act 1968 (c. 41)*

12 Omit section 17 (access orders: agricultural land).



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*Caravan Sites Act 1968 (c. 52)*

13 For section 9 substitute—

**“9 Power of Secretary of State to direct local authorities to provide sites.**

The Secretary of State may, if at any time it appears to him to be necessary so to do, give directions to any local authority to which subsection (1) of section 6 of this Act applies requiring them to provide, pursuant to that section, such sites or additional sites, for the accommodation of such numbers of caravans, as may be specified in the directions ; and any such directions shall be enforceable, on the application of the Secretary of State, by mandamus.”.

*Refuse Disposal (Amenity) Act 1978 (c. 3)*

14 In section 3(2) (which empowers a local authority to give notice in the prescribed manner that they propose to remove an abandoned motor vehicle but provides that they shall not be entitled to remove it if the person to whom the notice is given objects to their proposal in the prescribed manner and within the prescribed period) omit “in the prescribed manner” and “in the prescribed manner and”.

15 Omit section 4(4) (under which the Secretary of State may by regulations require a local authority by whom a vehicle is disposed of to give such information relating to the disposal as may be prescribed to such person as may be prescribed).

16 In section 6(2) (under which a local authority are not entitled to exercise their power too remove refuse other than motor vehicles which is situated on land appearing to the authority to be occupied by any person unless they have given him notice in the prescribed manner that they propose to remove it and he has failed to object to the proposal in the prescribed manner and within the prescribed period) omit “in the prescribed manner” and “in the prescribed manner and”.

SCHEDULE 4

Section 1(4).

RELAXATION OF CONTROLS OVER FUNCTIONS  
RELATING TO WEIGHTS AND MEASURES AND TRADE

*Shops Act 1950 (c. 28)*

1 (1) In section 8(1) (closing orders) omit the words “and confirmed by the Secretary of State in manner provided by this Act”.

(2) In section 9 (procedure for making closing orders) omit—

- (a) in subsection (2), the words from “and the order” to the end, and
- (b) subsection (3).

(3) Omit section 10 (local inquiries for the purpose of promoting and facilitating early closing).

<sup>F11</sup>(4) . . . . .

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### Textual Amendments

**F11** Sch. 4 para. 1(4) repealed (1.1.1996) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1995/2835, **art. 2**

### Modifications etc. (not altering text)

**C3** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Weights and Measures Act 1963 (c. 31)*

<sup>F12</sup>2–9. ....

### Textual Amendments

**F12** Sch. 4 paras. 2–9, 11, 12 repealed by *Weights and Measures Act 1985 (c. 72, SIF 131)*, s. 98, **Sch. 13 Pt. I**

### *Trade Descriptions Act 1968 (c. 29)*

### *Consumer Credit Act 1974 (c. 39)*

### *Estate Agents Act 1979 (c. 38)*

- 10 The following provisions (all of which confer default powers), namely—
- (a) in the Trade Descriptions Act 1968, section 26(3) and (4);
  - (b) in the Consumer Credit Act 1974, section 161(4), (5) and (6); and
  - (c) in the Estate Agents Act 1979, section 26(5), (6), (7) and (8),
- shall cease to have effect.

### Modifications etc. (not altering text)

**C4** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Weights and Measures Act 1979 (c. 45)*

<sup>F13</sup>11, 12. ....

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### Textual Amendments

**F13** Sch. 4 paras. 2–9, 11, 12 repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, Sch. 13 Pt. I

## SCHEDULE 5

Section 1(5).

### ALLOTMENTS

#### Modifications etc. (not altering text)

**C5** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *Small Holdings and Allotments Act 1908 (c. 36)*

- 1 Omit—
  - (a) in section 28(3) (rules to be confirmed), the words from “Rules under this section” to the end;
  - (b) in section 32(2) (approval of application of money), the words “and which is approved by the Local Government Board”;
  - (c) in the proviso to section 47(1) (appeal against prohibition relating to allotment), the words from “but, if the tenant feels aggrieved” to the end;
  - (d) in section 49(2) (power to make grants or advances or give guarantees with consent), the words “with the consent of, and subject to regulations made by, the Local Government Board”.
- 2 Omit section 54 (accounts and application of receipts) and section 59 (annual report to Parliament).

#### *Land Settlement (Facilities) Act 1919 (c. 59)*

- 3 In section 22(1) (consent to and conditions of appropriation of land) omit the words from “with the consent” to “may impose”.

#### *Allotments Act 1922 (c. 51)*

- 4 Omit section 20 (default powers).

#### *Allotments Act 1925 (c. 61)*

- 5 Omit section 13 (records of lands acquired under the Allotments Acts).

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SCHEDULE 6

Section 1(6).

RELAXATION OF CONTROLS OVER CHARGES AND RATES OF INTEREST ETC.

*Town Police Clauses Act 1847 (c. 89)*

- 1 In section 46 of the Town Police Clauses Act 1847 (drivers of hackney carriages not to act without first obtaining a licence) for the words from “and a fee” to “paid” there shall be substituted the words “ and such fees as the commissioners may determine shall be paid ”.

**Modifications etc. (not altering text)**

**C6** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>F14</sup>2, 3. ....

**Textual Amendments**

**F14** Sch. 6 paras. 2, 3 repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. IV](#)

*Public Health Act 1936 (c. 49)*

- 4 In section 291(3) (rates of interest on charges for works)—
  - (a) after the word “such” there shall be inserted the word “ reasonable ”; and
  - (b) the proviso shall cease to have effect.

**Modifications etc. (not altering text)**

**C7** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Coast Protection Act 1949 (c. 74)*

- 5 In section 10(2) of the Coast Protection Act 1949 (regulations as to rates of interest) for the words from “rate” to the end there shall be substituted the words “ reasonable rate as may be determined by the authority ”.

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C8** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Rag Flock and Other Filling Materials Act 1951 (c. 63)*

<sup>F15</sup>6 . . . . .

**Textual Amendments**

**F15** Sch. 6 para. 6 repealed (6.1.1997) by S.I. 1996/3097, art. 3(1)(d)

<sup>F16</sup>7—9. . . . .

**Textual Amendments**

**F16** Sch. 6 paras. 7–9, 17–20 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

*Public Libraries and Museums Act 1964 (c. 75)*

10 In section 8(2) of the Public Libraries and Museums Act 1964 (charges for services) the words “noot exceeding such amount as may be specified in that behalf by the Secretary of State” shall cease to have effect.

**Modifications etc. (not altering text)**

**C9** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Theatres Act 1968 (c. 54)*

11 In paragraph 3 of Schedule 1 to the Theatres Act 1968 (fees for licences) for the words “fee as may be prescribed by the Secretary of State by order made by statutory instrument” there shall be substituted the words “ reasonable fee as the authority may determine ”.

*Status: Point in time view as at 11/09/1998.*

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**Modifications etc. (not altering text)**

**C10** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Mines and Quarries (Tips) Act 1969 (c. 10)*

- 12 In section 23(5) of the Mines and Quarries (Tips) Act 1969 (expenses) for the words “rate as may be specified by order made by the Minister” there shall be substituted the words “reasonable rate as the authority may determine”.

**Modifications etc. (not altering text)**

**C11** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Poisons Act 1972 (c. 66)*

- 13 In section 5(3) of the Poisons Act 1972 for the words “the prescribed fees” there shall be substituted the words “any fees determined by the authority under section 6(2) below”.
- (2) In section 6(2) of that Act for the words “fees as may be prescribed” there shall be substituted the words “reasonable fees as the authority may determine”.

**Modifications etc. (not altering text)**

**C12** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Greater London Council (General Powers) Act 1972 (c. xl)*

- 14 In section 19(6)(a) of the Greater London Council (General Powers) Act 1972 (by virtue of which a London borough council may recover expenses in respect of the restoration of gas and electricity services, together with interest) after the word “thereon” there will be inserted the words “at such reasonable rate as the borough council may determine”.

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**Modifications etc. (not altering text)**

**C13** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Breeding of Dogs Act 1973 (c. 60)*

- 15 (1) In section 1(2) of the Breeding of Dogs Act 1973 for the words “sum as the Secretary of State may by order” there shall be substituted the words “reasonable sum as the authority may”.
- (2) Sub-paragraph (1) above does not extend to Scotland.

**Modifications etc. (not altering text)**

**C14** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Local Government (Scotland) Act 1973 (c. 65)*

- 16 In section 121(1) omit the words “section 10(2) of the Coast Protection Act 1949” and “section 23(5) of the Mines and Quarries (Tips) Act 1969”.

**Modifications etc. (not altering text)**

**C15** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F17 17— .....  
20.

**Textual Amendments**

**F17** Sch. 6 paras. 7–9, 17–20 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

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*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

21 In the following provisions of the Local Government (Miscellaneous Provisions) Act 1976, namely—

- (a) section 24(6) (expenses in relation to dangerous trees); and
- (b) section 33(3) (expenses in relation to the restoration or continuation of a supply of water, gas or electricity),

for the words “the rate fixed by section 171(2) of the Local Government Act 1972”, in both places where they occur, there shall be substituted the words “ such reasonable rate as the council may determine ”.

**Modifications etc. (not altering text)**

**C16** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULE 7

Section 1(7), (8).

**PART I**

**HIGHWAYS**

*Relaxation of Ministerial controls over the provision of ferries*

1 (1) So much of section 53 of the <sup>M1</sup>National Parks and Access to the Countryside Act 1949 (ferries for purposes of long-distance routes)—

- (a) as makes the exercise of a highway authority’s powers subject to the approval of any Minister; or
- (b) as confers upon any Minister any power to give a local highway authority directions,

shall cease to have effect.

(2)<sup>F18</sup>

**Textual Amendments**

**F18** Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 25**

**Marginal Citations**

**M1** 1949 c. 97 (46:1).



*Status: Point in time view as at 11/09/1998.*

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*Relaxation of Ministerial controls in respect of footpaths and bridleways*

2 (1)

<sup>F19</sup>(2) In section 30 of that Act (which relates to the making up of new footpaths and bridleways)—

- (a) subsections (2) and (3) (which relate to the settlement by the Secretary of State of disputes as to works for that purpose) shall cease to have effect; and
- (b) in subsection (4) (which relates to the carrying out of such works and the recovery of expenses incurred in carrying them out), for the words from the beginning to “thereof”, in the first place where it occurs, there shall be substituted the words “ It shall be the duty of the highway authority to carry out any works specified in a certificate under subsection (1) of this section ”.

(3)

<sup>F19</sup>(5) In section 126 of that Act (authorisation of erection of stiles etc. in footpath or bridleway) subsection (2) which gives the Secretary of State power to determine certain disputes about such authorisation) shall cease to have effect.

(6) In section 29(4) of the <sup>M2</sup>Countryside Act 1968 (by virtue of which a highway authority are required to consult the Minister of Agriculture, Fisheries and Food before refusing to make an order under that section relating to the making good of the surface of a footpath or bridleway after it has been ploughed up) the words “and the highway authority shall before refusing to make an order under subsection (2) of this section consult the Minister of Agriculture, Fisheries and Food” shall cease to have effect.

**Textual Amendments**

**F19** Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 25**

**Modifications etc. (not altering text)**

**C17** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M2** 1968 c. 41.

*Abolition of Ministerial powers in respect of certain expenses*

3 (1)

<sup>F20</sup>(2) The proviso to section 211(3) of that Act (by virtue of which an order may fix the maximum amount to be charged under a charging order in respect of expenditure on street works) shall cease to have effect.

(3)<sup>F20</sup>

Status: Point in time view as at 11/09/1998.

Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F20 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), Sch. 25

Modifications etc. (not altering text)

C18 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)-(4), 10, Sch. 5, Sch. 6 paras. 1, 4-6, 10-16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3-7, Pt. V paras. 12-20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1-5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Abolition of Ministerial powers in relation to toll highways

- 4 In section 233 of the Highways Act 1959 (transfer of toll highways to highway authorities)—
(a) in subsection (2) (by virtue of which a right to charge highway tolls which is transferred to a county council continues to be exercisable for such number of years only as may be allowed, where the county is in England, by the Minister of Transport, and where it is in Wales, by the Secretary of State) the words from “but” to the end shall cease to have effect; and
(b) in subsection (5) (by virtue of which agreements in relation to toll highways may only be made between two or more county councils with the approval, where their counties are in England, of the Minister of Transport, and where they are in Wales, of the Secretary of State) the words “subject to the approval of the Minister” shall cease to have effect.

Modifications etc. (not altering text)

C19 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)-(4), 10, Sch. 5, Sch. 6 paras. 1, 4-6, 10-16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3-7, Pt. V paras. 12-20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1-5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F215 .....

Textual Amendments

F21 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), Sch. 25

Abolition of certain procedures for settlement of disputes by Minister

- 6 (1) This paragraph shall have effect for the purpose of abolishing certain powers of the Secretary of State or the Minister of Transport to determine disputes.
(2) The following subsection shall be substituted for section 5(3) of the M3 Local Government (Miscellaneous Provisions) Act 1953 (provision of omnibus shelters etc. by local authorities) :—

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“(3) Where the consent of the Secretary of State or the Minister of Transport is required under this section, disputes between the Minister whose consent is required and the local authority as to whether the consent of that Minister is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any shelter or other accommodation in accordance with any condition of the consent is reasonable required shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.”.

- (3) In section 108(10) of the <sup>M4</sup>Highways Act 1959 (which provides that any consent of an authority which is required for the diversion of a highway shall not be unreasonably withheld) the words “and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister” shall cease to have effect.
- (4) Section 246(2) of that Act (disputes as to nature of sums paid or recovered under Act) shall cease to have effect.
- (5)
- <sup>F22</sup>(6) Section 29(3) of the <sup>M5</sup>Local Government Act 1966 (which gives a lighting authority a right to appeal in case of dispute as to the exercise of their powers for purposes of the lighting of a highway for which they are not the highway authority) shall cease to have effect.

#### Textual Amendments

**F22** Sch. 7 Pt. I para. 6(5) repealed by [Litter Act 1983 \(c. 35, SIF 100:3\)](#), s. 12(3), [Sch. 2](#)

#### Modifications etc. (not altering text)

**C20** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M3** 1953 c. 26.

**M4** 1959 c. 25.

**M5** 1966 c. 42.

#### *Abolition of certain Ministerial controls relating to structures on and near highway*

7

The following provisions, namely—

- (a) in the <sup>M6</sup>Highways Act 1959—
- (i) the proviso to section 73(1) (requirement to notify of proposed building lines for classified roads); and
- (ii) sections 95 and 96 (regulations about cattlegrids);
- and

*Status: Point in time view as at 11/09/1998.*

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- (b) section 120 of the Transport Act 1968 (orders prescribing minimum heights for parapets of bridges carrying roads over railways);  
shall cease to have effect.

**Modifications etc. (not altering text)**

**C21** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M6** 1959 c. 25.

*Miscellaneous amendments of Highway Acts and associated legislation*

- 8 (1) Section 280(2), (3) and (4) of the Highways Act 1959 (which give powers to prescribe the form of various notices, orders, advertisements, certificates and other documents and provide that if forms are prescribed in exercise of those powers, those forms or forms to the like effect shall be used in all cases to which those forms are applicable) shall cease to have effect.
- (2) The following enactments, namely—
- section 288 of the Highways Act 1959;
  - section 16(4) of the Highways (Miscellaneous Provisions) Act 1961; and
  - Section 85 of the Highways Act 1971,
- each of which gives a power to repeal or amend local Acts) shall cease to have effect.
- (3) The repeal of the enactments specified in sub-paragraph (2) above shall not affect any application made under any of them before the passing of this Act; and any power conferred by any of them may accordingly be exercised after the passing of this Act in pursuance of any application.
- (4) Any order made under an enactment specified in sub-paragraph (2) above shall continue to have effect notwithstanding the repeal of that enactment.

**Modifications etc. (not altering text)**

**C22** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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### Textual Amendments

**F23** Sch. 7 Pt. II paras. 9–13 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 14

### *Traffic on bridges etc.*

- 14 (1) The following enactments (which relate to the control of traffic on bridges and, amongst other things, give certain powers in relation to its control) shall cease to have effect—
- (a) section 6 of the <sup>M7</sup>Locomotive Act 1861;
  - (b) section 7 of the <sup>M8</sup>Locomotives Act 1898;
  - (c) section 11 of the <sup>M9</sup>Ministry of Transport Act 1919;
  - (d) section 17 of the <sup>M10</sup>Road Traffic Regulation Act 1967.
- (2) Nothing in sub-paragraph (1) above shall effect—
- (a) any requirement to obtain consent under section 6 of the <sup>M11</sup>Locomotive Act 1861 which subsists at the passing of this Act by virtue of the placing of a notice on any bridge, or an obligation for failure to obtain consent under that section; or
  - (b) any appeal to the Minister of Transport or, as the case may be, to the Secretary of State, under section 7 of the <sup>M12</sup>Locomotives Act 1898 or section 11 of the <sup>M13</sup>Ministry of Transport Act 1919 which is pending on the passing of this Act.
- (3) From the passing of this Act any notice placed on a bridge by authority of a person such as is mentioned in section 6 of the <sup>M14</sup>Locomotive Act 1861 shall be deemed to have been placed there—
- (a) if the bridge is outside Greater London, in pursuance of an order under section 1 of the Road Traffic Regulation Act [<sup>F24</sup>1984], and
  - (b) if it is in Greater London, in pursuance of an order under section 6 of that Act.
- (4) Nothing in this paragraph affects a bridge which does not carry a road (within the meaning of [<sup>F25</sup>section 142] of the Road Traffic Regulation Act [<sup>F24</sup>1984])

### Textual Amendments

**F24** Word substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 38(a)

**F25** Words substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 38(b)

### Modifications etc. (not altering text)

**C23** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M7** 1861 c. 70.

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- M8** 1898 c. 29.
- M9** 1919 c. 50.
- M10** 1967 c. 76.
- M11** 1861 c. 70 (107:1).
- M12** 1898 c. 29 (107:1).
- M13** 1919 c. 50 (126).
- M14** 1861 c. 70 (107:1).

### *Miscellaneous*

- 15 (1) Section 1(9) of the Road Traffic Regulation Act 1967 (power of appropriate Minister to repeal local Acts extending the powers of section 26 of the <sup>M15</sup>Road Traffic Act 1960) shall cease to have effect.
- (2) Any order made under section 1(9) of the Road Traffic Regulation Act 1967 shall continue to have effect notwithstanding the repeal of that subsection.

#### **Modifications etc. (not altering text)**

**C24** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

**M15** 1960 c. 16

## SCHEDULE 8

Section 53.

### ENACTMENTS MENTIONED IN SECTION 53(11)(C)

Chapter	Short title	Extent of repeal
1974 c. 7.	Local Government Act 1974.	Sections 1(1) to (7).  Sections 2 to 5.  In section 10, in subsection (1), the words following paragraph (f) and in subsection (2), the definition of “the amount available for grant”, “the appropriate Minister”, “the domestic element”, “the needs element”, and “the resources element”.  Schedule 2.

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1976 c. 52.	Lotteries and Amusements Act 1976.	In Schedule 4, paragraph 9.
1980 c. 20.	Education Act 1980.	Section 32. Schedule 6.

## SCHEDULE 9

Section 55.

### DOMESTIC RATE RELIEF GRANT

#### *Reduction of rates by reference to domestic rate relief grant*

- (1) In each year an amount in the pound shall be specified in the Rate Grant Support for the purposes of section 48 of the <sup>M16</sup>General Rate Act 1967 (reduction of rates on dwellings).
- (2) Different amounts in the pound may be specified under sub-paragraph (1) above for different rating areas.
- (3) In specifying the amount or amounts in the pound under this paragraph for any year the Secretary of State shall seek to secure that the total amount of the reduction under section 48 of the General Rate Act 1967 for all rating areas will correspond to the aggregate amount of the domestic rate relief grant.
- (4) In this paragraph “rating area” has the same meaning as in the General Rate Act 1967.

#### **Marginal Citations**

**M16** 1967 c. 9 (103:1, 2).

#### *Distribution of domestic rate relief grant*

- (1) the amount of the domestic rate relief grant payable to a local authority for any year shall be calculated by multiplying the aggregate amount of the domestic rate relief grant by

$$\frac{a}{A}$$

where—

a is the domestic rateable value of the area of the local authority for the year multiplied by the amount of the reduction specified in relation to that area in the Rate Support Grant Report, and

A is the aggregate of the amounts calculated as for a in respect of each local authority entitled to receive domestic rate relief in the year.

- (2) For the purposes of this paragraph the domestic rateable value of the area of a local authority shall be the amount, divided by two, of the aggregate of the rateable values



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of dwelling houses in the area shown in the valuation list on 1st April and 31st March in the year as certified by the valuation officer.

- (3) No payment in respect of the domestic rate relief grant shall be made to the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple if no rate in the nature of a general rate is levied in the Temple in question during the year.

*Apportionment of rate reductions in the City of London by reference to the domestic rate relief grant*

- 3 (1) Section 48 of the General Rate Act 1967 (which provides for the reduction of rates on dwellings by reference to the domestic rate relief grant) and paragraph 1 above shall, in their application to the City of London, have effect subject to the provisions of this paragraph.
- (2) Reductions of rates under the said provisions shall be apportioned between the poor rate and the general rate in the relevant proportions (taken to the nearest whole penny).
- (3) Payments in respect of the domestic rate relief grant shall be treated as being, in the relevant proportions, the proceeds of the poor rate and the general rate.
- (4) In this paragraph “the relevant proportions” means the proportions which, for the year, the number of pence in the pound of the poor rate and the general rate bear respectively to the aggregate of the number of pence in the pound of both the said rates.

SCHEDULE 10

Section 63

ADJUSTMENT OF BLOCK GRANT IN CONNECTION WITH EDUCATION ETC.

<sup>F26</sup>**PART I**

.....

**Textual Amendments**

**F26** Sch. 10 Pt. I repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 160(3), 236, 237, Sch. 13 Pt. II

**PART II**

OTHER ADJUSTMENTS BETWEEN AUTHORITIES

*Introduction*

- 4 (1) The block grant payable to a local authority in England, and that payable to a local authority in Wales, shall be subject to adjustment in accordance with paragraphs 5 and 6 below.



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- (2) Those paragraphs shall be administered separately and may be administered differently, in England and Wales, and references in them to regulations, to a local authority or local authorities and to a local education authority or local education authorities shall be construed accordingly, except where the wording of paragraph 5(5)(a) otherwise requires.

*Expenditure other than on advanced further education*

- 5 (1) Regulations may provide for ascertaining the aggregate of the expenditure to which this paragraph applies of all local authorities, for apportioning the aggregate among the authorities and for ascertaining the amount by which the block grant payable to each authority ought to be increased or decreased.
- (2) The Secretary of State shall, in accordance with regulations under this paragraph, ascertain at such time as may be specified by the regulations—
- (a) the estimated amount of the increases and decreases of the block grant which ought to be made for any year, and
  - (b) the actual amount of these increases and decreases.
- and he shall in paying the block grant for any year adjust the amount of that grant in accordance with the estimated amounts so ascertained and shall in paying that grant for the earliest practicable subsequent year make any adjustment necessary to offset differences between the estimated and actual amounts so ascertained.
- (3) Subject to sub-paragraphs (4) and (5) below, this paragraph applies to such expenditure as may be specified by regulations, being—
- (a) expenditure, other than that to which paragraph 6 below applies, incurred by local authorities in the exercise of their functions as local education authorities;
  - (b) expenditure incurred by local authorities on research into any of their functions, in the training of persons in matters connected with the functions of local authorities or in respect of persons to whom the training is given.
- (4) Regulations specifying expenditure of any description under sub-paragraph (3) above may provide that only a specified proportion of that expenditure shall be expenditure to which this paragraph applies.
- (5) Regulations under sub-paragraph (3)(a) above shall apply this paragraph to—
- (a) expenditure incurred by local education authorities in the making of provision for primary and secondary education in respect of pupils not belonging to the area of any local education authority in England or Wales or to the area of any education authority in Scotland; and
  - (b) expenditure, other than that to which paragraph 6 below applies, incurred by local education authorities in the making of provision for further education in respect of such pupils.

**Modifications etc. (not altering text)**

- C25** Sch. 10 Pt. 1 para. 5 modified by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 147(9)(10)
- C26** Para. 5 modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 160(4)
- C27** Para. 5(3)(a)(5)(b) modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 160(2)

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*Expenditure on advanced further education*

- 6 (1) Regulations may provide—
- (a) for the specification by the Secretary of State, in advance for each year, of the amount of expenditure to which this paragraph applies which is to be taken into account for the purposes of regulations in relation to that year;
  - (b) for enabling him to specify additional amounts of such expenditure which are to be so taken into account;
  - (c) for the apportioning among local authorities, under or in accordance with the regulations, either the whole of a part specified by or in accordance with the regulations of—
    - (i) the amount specified for any year as mentioned in paragraph (a) above;
    - (ii) any additional amount specified for the year as mentioned in paragraph (b) above;
- and for informing local authorities of the shares apportioned to them respectively;
- (d) for the specification, under or in accordance with regulations, of the appropriate contribution of each local authority to the expenditure apportioned as mentioned in paragraph (c) above;
  - (e) for ascertaining the amount by which the block grant payable to each authority ought to be increased or decreased by reference to the share apportioned to it as compared with its appropriate contribution.
- (2) The Secretary of State shall in paying the block grant for any year adjust the amount of that grant in accordance with the amount ascertained as mentioned in subparagraphs (1)(e) above.
- (3) This paragraph applies to such expenditure incurred by local authorities in connection with further education of an advanced character, including the training of teachers, as may be specified for the purposes of this paragraph by or under regulations.

**Modifications etc. (not altering text)**

**C28** Para. 6 excluded by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 160(1)

**C29** para. 6 modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 160(4)

**PART III**

GENERAL

*Information*

- 7 (1) Regulations may make provision requiring local authorities to furnish the Secretary of State, at such times and in such manner and form as may be specified in the regulations, with such estimates of their expenditure and with such other information required by him for the purpose of this Schedule as may be so specified.
- (2) Regulations under this paragraph may make different provisions in relation to authorities in England and authorities in Wales.

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### *Consultation*

- 8 (1) Before doing any of things mentioned in sub-paragraph (2) below, the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (2) The things are:—
- (a) making regulations under this Schedule;
  - (b) ascertaining an amount under paragraph 1(3) above;
  - (c) fixing an amount under paragraph 1(4) above;
  - (d) specifying an amount under paragraph 6(1)(a) above.

### *Regulations*

- 9 References in this Schedule to regulations are to regulations made by the Secretary of State by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

### *Interpretation*

- 10 [F27Section 579(4) of the Education Act 1996] (individuals treated as belonging to areas of local education authorities) applies for the purposes of this Schedule as for those of that Act.

#### **Textual Amendments**

**F27** Words in [Sch. 10 para. 10](#) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\)](#), [Sch. 37 Pt. I para. 49](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#))

## **F28**SCHEDULE 11

.....

#### **Textual Amendments**

**F28** [Sch. 11](#) repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, [Sch. 6 Pt. III](#)

## **F29**SCHEDULE 12

.....

#### **Textual Amendments**

**F29** [Sch. 12](#) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#)

*Status: Point in time view as at 11/09/1998.*

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SCHEDULE 13

Section 81.

F30 1—8. ....

**Textual Amendments**

F30 Sch. 13 Pt. I paras. 1–8 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

F31 9. ....

**Textual Amendments**

F31 Sch. 13 Pt. I para. 9, Pt. II para. 10 repealed by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

F32 10. ....

**Textual Amendments**

F32 Sch. 13 Pt. I para. 9, Pt. II para. 10 repealed by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

F33 SCHEDULE 14

.....

**Textual Amendments**

F33 Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I

SCHEDULE 15

Section 90.

F34 1. ....

**Textual Amendments**

F34 Sch. 15 para. 1 repealed by Housing and Planning Act 1986 (c. 63, SIF 75:3), s. 49(2), Sch. 12 Pt. III

F35 2—15. ....

*Status: Point in time view as at 11/09/1998.*

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**Textual Amendments**

**F35** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**F36** 16 . . . . .

**Textual Amendments**

**F36** Sch. 15 para. 16 repealed by Housing and Planning Act 1986 (c. 63, SIF 123:1), **Sch. 12 Pt. III**

**F37** 17— . . . . .  
20.

**Textual Amendments**

**F37** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**F38** 21 . . . . .

**Textual Amendments**

**F38** Sch. 15 para. 21 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F39** 22 . . . . .

**Textual Amendments**

**F39** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**F40** 23 . . . . .

**Textual Amendments**

**F40** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**F41** 24 . . . . .

**Textual Amendments**

**F41** Sch. 15 para. 24, Sch. 16 para. 3, Sch. 32 Pt. III para. 23(3) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

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F42 25— .....  
28.

**Textual Amendments**  
F42 Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

SCHEDULE 16

Section 93.

BODIES TO WHOM PART X APPLIES

**Modifications etc. (not altering text)**  
C30 Sch. 16 extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 15**  
Sch. 16 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2), **Sch. 13 para. 25(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

[<sup>F43</sup>1A A county borough council.]

**Textual Amendments**  
F43 Sch. 16 para. 1A inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(5)**; S.I. 1996/396, art. 4, **Sch. 2**

.....  
1 A county council.  
2 A district council.  
<sup>F44</sup>3 .....

**Textual Amendments**  
F44 Sch. 15 para. 24, Sch. 16 para. 3, Sch. 32 Pt. III para. 23(3) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

4 A London borough council.  
5 The Common Council of the City of London.  
[<sup>F45</sup><sup>F46</sup>5A .....

**Textual Amendments**  
F45 Paras. 5A, 5B inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(1)(g)**  
F46 Para. 5A repealed (1.4.1990) by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13, Pt. I**

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5B A joint authority established by Part IV of the Local Government Act 1985.

**Modifications etc. (not altering text)**

C31 Para. 5B amended by S.I. 1985/1884, art. 10, Sch. 3 para. 4(5)

VALID FROM 03/07/2000

[<sup>F47</sup>5BB The London Fire and Emergency Planning Authority.]

**Textual Amendments**

F47 Sch. 16 para. 5BB inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. I para. 33 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(a)(h)

[<sup>F48</sup>5C A police authority established under [<sup>F49</sup>section 3 of the Police Act 1996].]

**Textual Amendments**

F48 Sch. 16 para. 5C inserted (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 43, Sch. 4 Pt. I para. 22; S.I. 1994/2520, art. 6(1)(2)(6); S.I. 1994/3262, art. 4, Sch.

F49 Words in Sch. 16 para. 5C substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), Sch. 7 Pt. I para. 1(2)(p)

VALID FROM 03/07/2000

[<sup>F50</sup>5CC The Metropolitan Police Authority.]

**Textual Amendments**

F50 Sch. 16 para. 5CC inserted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 44(2) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

[<sup>F51</sup>5D The Service Authority for the National Crime Squad.]

**Textual Amendments**

F51 Sch. 16 para. 5D inserted (1.4.1998) by 1997 c. 50, s. 88, Sch. 6 para. 16; S.I. 1998/354, art. 2(1)(2)(au)

6 The Commission for the New Towns.

7 A development corporation established under the [<sup>F52M17</sup>New Towns Act 1981]

**Textual Amendments**

F52 Words substituted by New Towns Act 1981 (c. 64, SIF 123), s. 81, Sch. 12 para. 28(d)

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#### Marginal Citations

**M17** 1981 c. 64 (123:3).

8 An urban development corporation established under this Act.

[<sup>F53</sup>8A A housing action trust established under Part III of the Housing Act 1988.]

#### Textual Amendments

**F53** Sch. 16 para. 8A inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 28**

9 The Housing Corporation.

[<sup>F54</sup>9a Housing for Wales.]

#### Textual Amendments

**F54** Sch. 16 para. 9a inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. II para. 104**

<sup>F55</sup>10 .....

#### Textual Amendments

**F55** Sch. 16 para. 10 repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**

11 The Civil Aviation Authority.

12 British Shipbuilders.

<sup>F56</sup>13 .....

#### Textual Amendments

**F56** Sch. 16 para. 13 repealed by [British Steel Act 1988 \(c. 35, SIF 70\)](#), s. 16(3), **Sch. 2 Pt. I**

14 [<sup>F57</sup>The Coal Authority]

#### Textual Amendments

**F57** Words in Sch. 16 para. 14 substituted (31.10.1994) by [1994 c. 21, s. 67](#), **Sch. 9 para. 25(2)** (with ss. 40(7), 66); [S.I. 1994/2553](#), **art. 2**

15 The British Broadcasting Corporation.

<sup>F58</sup>16 .....

#### Textual Amendments

**F58** Sch. 16 para. 16 repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(3), **Sch. 21** (with ss. 4(6), 87(6), [Sch. 12 Pt. II para. 1](#))



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17 The Post Office.

[<sup>F59</sup>17A The National Rivers Authority]

#### Textual Amendments

**F59** Sch. 16 para. 17A inserted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 61(6)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**

18 Statutory undertakers.

In paragraph 18 above “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, road transport, water transport, canal inland navigation, dock or harbour undertaking, or any undertaking for the supply of <sup>F60</sup>, <sup>F61</sup>[<sup>F62</sup>or hydraulic power]

Provided that where any persons carry on a business to the main purpose of which any such undertaking is merely ancillary those persons shall not be treated as statutory undertakers for the purposes of paragraph 18 above.

#### Textual Amendments

**F60** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 paras. 33, 35(1), **Sch. 18**

**F61** Word repealed by [Gas Act 1986 \(c. 44, SIF 44\)](#), s. 67(4), **Sch. 9 Pt. I**

**F62** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 61(6)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**

## SCHEDULE 17

Section 101.

### COMMUNITY LAND ACT

#### PART I

##### PRELIMINARY

- 1 (1) In this Schedule “the 1975 Act” means the <sup>M18</sup>Community Land Act 1975.
- (2) In this Schedule references to sections, Schedules and Parts are to those of the 1975 Act (unless the contrary is indicated).
- (3) In this Schedule “the 1971 Act” means the <sup>M19</sup>Town and Country Planning Act 1971 and “the Scottish Act of 1972” means the <sup>M20</sup>Town and Country Planning (Scotland) Act 1972.

#### Marginal Citations

**M18** 1975 c. 77.

**M19** 1971 c. 78 (123:1).

**M20** 1972 c. 52 (123:2).

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## PART II

### REPEALS

- 2 Subject to the following provisions of this Schedule, the 1975 Act shall be repealed on the passing of this Act.
- 3 (1) The following provisions of the 1975 Act shall be repealed on the appointed day:—  
 section 1 (authorities),  
 section 2 (joint boards),  
 in section 6, in subsection (1) the definitions of enactment, local authority and new town authority, and subsection (6),  
 section 7 and Schedule 2 (appointed days etc.),  
 section 26 (compensation payable in transaction between certain authorities),  
 section 40 (grants to authorities who buy or rent Crown land),  
 section 43 (accounts and records),  
 section 44 (community land surplus accounts), except (in subsection (3) the words from “or (b)” to the end,  
 section 51 (power to obtain information),  
 section 52 (service of documents),  
 section 53 (orders),  
 section 54 (directions and consents),  
 section 55 (local inquiries),  
 section 56 (offences by corporations),  
 section 57 (finance),  
 section 58 (extent etc.).
- (2) In sub-paragraph (1) above “the appointed day” means, in relation to any provision of the 1975 Act, the day appointed for its repeal by an order of the Secretary of State made by statutory instrument.
- (3) Different days may be so appointed in relation to different provisions of the 1975 Act or for different purposes in relation to any such provision.

#### Modifications etc. (not altering text)

**C32** Power of appointment conferred by para. 3(2) fully exercised in England, Scotland and Wales : 1.6.1983 appointed by [S.I. 1983/673](#), [art. 2](#)

## PART III

### PROVISIONS RE-ENACTED ETC.

- 4 Part XII of this Act includes provisions re-enacting or superseding certain provisions of the 1975 Act (in particular, Part II) relating to the Land Authority for Wales.
- 5 Each provision of the 1975 Act mentioned in column 1 below is re-enacted (in certain cases with modifications) in the corresponding provision of this Act mentioned in column 2—

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<b>1975 ACT</b>	<b>THIS ACT</b>
Section 37 (acquisition and disposal of land by the Crown)	Section 122
Section 38 (acquisition of land by Crown in Northern Ireland)	Section 123
[ <sup>F63</sup> Section 41 (exclusion of special parliamentary procedure)]	[ <sup>F63</sup> Section 120]
Section 47 (certification of appropriate alternative development)	Section 121
In Schedule 10 (minor and consequential amendments)—	
paragraph 2	Schedule 33, paragraph 1
paragraph 3	Schedule 33, paragraph 3
paragraph 4(1) to (3) and (5)	Schedule 33, paragraph 5
paragraph 5(1) to (3) and (5)	Schedule 33, paragraph 7
paragraph 6(1)(a)	Schedule 15, paragraph 2
paragraph 7(1)(a)	Section 92(1)
paragraph 8(2)	Schedule 33, paragraph 13

#### **Textual Amendments**

**F63** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)

## **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—

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- (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.
- (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*

- 9 The following provisions of this Schedule do not apply to the Land Authority for Wales (in relation to which Schedule 22 below contains savings etc.).

#### *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).

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- (4) Land held by a new town authority (that is, a development corporation as defined in section 2 of the <sup>M21</sup>New Towns Act 1965, or in section 2 of the <sup>M22</sup>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

**M21** 1965 c. 59.

**M22** 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.
  - (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

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prejudice to any rules made under the <sup>M23</sup>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**

**M23** 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.

*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.

SCHEDULE 18

Section 102.

THE LAND AUTHORITY FOR WALES

- 1 The Land Authority for Wales shall by that name be a body corporate and shall consist of such number of members, not less than six and not exceeding nine, as the Secretary of State may from time to time determine.
- 2 (1) The members shall be appointed by the Secretary of State, who shall appoint one of them to be chairman of the Authority and may appoint another to be deputy chairman.
- (2) Four offices as members of the Authority shall be held by persons appointed by the Secretary of State after consultation with such organisations as appear to him to be representative of local authorities in Wales.
- 3 (1) Subject to the provisions of this paragraph, a member of the Authority, and the chairman and deputy chairman, shall hold and vacate office in accordance with the terms of his appointment.
- (2) A member may by notice in writing addressed to the Secretary of State resign his membership and the chairman or deputy chairman may by the like notice resign his office.

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- (3) The Secretary of State may remove a person from membership if satisfied that he—
    - (a) has become bankrupt or made an arrangement with his creditors; or
    - (b) is incapacitated by physical or mental illness; or
    - (c) has been absent from more than six consecutive meetings of the Authority otherwise than for a reason approved by the Secretary of State; or
    - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member.
  - (4) A person who ceases to be a member, or ceases to be chairman or deputy chairman, shall be eligible for re-appointment.
  - (5) If the chairman or deputy chairman ceases to be a member of the Authority he shall also cease to be chairman or deputy chairman.
  - (6) A person may hold all or any of the following offices at the same time, that is secretary or other officer of the Authority, member of the Authority and deputy chairman of the Authority; and a person holding the office of chairman of the Authority may hold any other office except that of secretary or deputy chairman.
- 4 The Authority, with the approval of the Secretary of State, may appoint a secretary of the Authority, and such other officers and servants as the Authority may, after consultation with the Secretary of State and with the consent of the Minister, determine.
- 5
  - (1) The Authority shall pay to members of the Authority such remuneration and allowances as may be determined by the Secretary of State with the consent of the Minister.
  - (2) In the case of any such person as the Secretary of State may with the consent of the Minister determine, the Authority shall pay such pension, allowance or gratuity to or in respect of him, or make such payment towards the provision of such a pension, allowance or gratuity, as may be so determined.
  - (3) If a person ceases to be a member of the Authority, and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, with the consent of the Minister, require the Authority to pay to that person a sum of such amount as the Secretary of State may with the consent of the Minister determine.
  - (4) As soon as practicable after the making of any determination under sub-paragraph (2) or sub-paragraph (3) of this paragraph the Secretary of State shall lay a statement thereof before each House of Parliament.

#### *Staff*

- 6 The Authority shall pay to its officers and servants such remuneration and allowances as it may, after consultation with the Secretary of State and with the consent of the Minister, determine.

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- 7 (1) The Authority shall, in the case of such of the persons employed by it as may be determined by the Authority with the consent of the Secretary of State given with the approval of the Minister, pay such pensions, allowances or gratuities to or in respect of those persons as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (2) Where a person employed by the Authority and participating in a scheme for the payment of pensions, allowances or gratuities which is applicable to such persons becomes a member of the Authority, his service as a member may be treated for the purposes of the scheme as service as a person employed by the Authority.

*Proceedings and instruments*

- 8 (1) Subject to the following provisions of this Schedule the Authority shall have power to regulate its own procedure.
- (2) The quorum at meetings of the Authority shall be four.
- 9 (1) A member of the Authority who is in any way directly or indirectly interested in any land which is the subject of a transaction entered into or proposed to be entered into by the Authority shall disclose the nature of his interest at a meeting of the Authority; and the disclosure shall be recorded in the minutes of the Authority, and the member shall not take any part in any deliberation or decision of the Authority with respect to the transaction.
- (2) For the purposes of sub-paragraph (1) above a general notice given at a meeting of the Authority by a member of the Authority to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction which may, after the date of the notice, be entered into in relation to that company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any such transaction.
- (3) A member of the Authority need not attend in person at a meeting of the Authority in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.
- 10 The proceedings of the Authority shall not be invalidated by any vacancy in the number of their members or by any defect in the appointment of any person as a member or chairman or deputy chairman or by any failure to comply with the requirements of paragraph 9 above.
- 11 The seal of the Authority shall be authenticated by the signature of the secretary or of any person authorised by the Authority to act in that behalf.



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- 12 A certificate signed by the secretary that any instrument purporting to be made or issued by or on behalf of the Authority was so made or issued shall be conclusive evidence of that fact.
- 13 Every document purporting—
- (a) to be an instrument made or issued by or on behalf of the Authority and to be sealed with the seal of the Authority authenticated in the manner provided by paragraph 11 above, or to be signed or executed by the secretary or any person authorised by the Authority to act in that behalf, or
  - (b) to be such a certificate as is mentioned in paragraph 12 above,
- shall be received in evidence and be deemed without further proof to be so made or issued or to be such a certificate, unless the contrary is shown.

### *Supplemental*

- 14 (1) A person dealing with the Authority, or with a person claiming under the Authority, shall not be concerned to inquire—
- (a) whether any directions have been given to the Authority under this Act or whether any directions so given have been complied with, or
  - (b) whether the consent or approval of the Secretary of State or the Minister required for any of the purposes of this Act has been given, or whether any condition or limitation subject to which any such consent or approval was given has been complied with,
- and, in favour of any such person, the validity of anything done by the Authority shall not be affected by anything contained in any such direction, consent or approval or by reason that any such direction, consent or approval has not been given.
- (2) Without prejudice to sub-paragraph (1) above, the validity of a compulsory purchase order made by the Authority shall not be affected by anything contained in a direction given under section 102(4) above or by reason that any such direction has not been complied with.

- 15 In this Schedule “the Minister” means [<sup>F64</sup>the Treasury]

#### **Textual Amendments**

**F64** Words substituted by virtue of S.I. 1981/1670, art. 2

## SCHEDULE 19

Section 103.

### PUBLIC AUTHORITIES

- 1 The public authorities for the purposes of section 103(5) above are—
- (a) a county council,

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- [<sup>F65</sup>(aa) a county borough council,
- (ab) a joint planning board in Wales,]
- (b) a district council,
- (c) a community council,
- (d) a Government department,
- (e) the Welsh Development Agency,
- (f) the Development Board for Rural Wales,
- [<sup>F66</sup>(fa) a National Park authority;]
- (g) a development corporation of a new town whose area (as designated by an order under section 1 of the <sup>M24</sup>New towns Act 1965) is wholly or partly situated in Wales,
- (h) any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry, and
- (i) statutory undertakers.

#### Textual Amendments

**F65** Sch. 19 para. 1(aa)(ab) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(6)** (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F66** Sch. 19 para. 1(fa) inserted (1.4.1996) by 1995 c. 25, s. 78, **Sch. 10 para. 20(2)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 3**

#### Marginal Citations

**M24** 1965 c. 59.

- 2 In paragraph 1 above “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, road transport, water transport, canal, inland navigation, dock or harbour undertaking, or any undertaking for the supply of <sup>F67</sup>[<sup>F68F69</sup>or hydraulic power]

#### Textual Amendments

**F67** Word repealed by **Electricity Act 1989** (c. 29, SIF 44:1), s. 112(4), **Sch. 18** (with s. 112(3), Sch. 17 para. 35(1))

**F68** Words substituted by **Water Act 1989** (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 61(7)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F69** Words repealed by **Gas Act 1986** (c. 44, SIF 44), s. 67(4), **Sch. 9 Pt. I**

- 3 (1) The Secretary of State may by order made by statutory instrument direct that any public authority, body or undertakers not specified in paragraph 1 above shall be treated as a public authority for the purposes of section 103(5) above.
- (2) A statutory instrument containing an order under sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## SCHEDULE 20

Section 104.

### LAND AUTHORITY FOR WALES: ACQUISITION OF LAND

#### PART I

#### MODIFICATIONS OF [F70] 1981] ACT

##### Textual Amendments

**F70** Word substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115), s. 17(2)(a) and Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(2), Sch. 5 para. 1

- 1 The [F71] 1981] Act shall apply in relation to the compulsory acquisition of land under section 104 above with the modifications made by the following provisions of this Part of this Schedule.

##### Textual Amendments

**F71** Word substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 30(10)(a)

- 2 (1) Where a compulsory purchase order of the Authority authorising the acquisition of any land is submitted to the Secretary of State in accordance with [F72]section 2(2)] then, if the Secretary of State—
- (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but
  - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,
- he may confirm the order so far as it relates to the land mentioned in paragraph (a) above, and give directions postponing the consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.
- (2) Where the Secretary of State gives directions under sub-paragraph (1) above, the notices required by [F73]section 15] to be published and served shall include a statement of the effect of the directions.

##### Textual Amendments

**F72** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 30(10)(b)

**F73** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 30(10)(k)

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#### Textual Amendments

**F74** Sch. 20 para. 3, Sch. 21 para. 14, Sch. 28 Pt. IV para. 22 repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

- 4 Where the compulsory purchase order was made by the Authority—
- (a) a notice under [<sup>F75</sup>section 12] (notice specifying the time for making objections) shall be served on the local authorities within whose areas the land is situated,
  - (b) those local authorities shall have a right to object in accordance with the notice,
  - (c) the references in [<sup>F76</sup>section 13] to objections made by an owner, lessee or occupier shall include references to an objection made by such local authority.

[<sup>F77</sup>For the purposes of this paragraph the references to a local authority within whose area the land is situated shall be deemed to include references to any National Park authority which is the local planning authority for a National Park in which the land is situated.]

#### Textual Amendments

**F75** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 4 para. 30(10)(d)**  
**F76** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 13, **Sch. 4 para. 30(10)(e)**  
**F77** Words in Sch. 20 para. 4 inserted (1.4.1996) by 1995 c. 25, s. 78, **Sch. 10 para. 20(3)**(with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 3**

- [<sup>F78</sup>4A Where the compulsory purchase order was made by the Authority and the land is situated in the district of a joint planning board in Wales—
- (a) a notice under section 12 shall also be served on the board,
  - (b) the board shall have a right to object in accordance with the notice,
  - (c) the references in section 13 to objections made by an owner, lessee or occupier shall also include references to an objection made by the board.]

#### Textual Amendments

**F78** Sch. 20 para. 4A inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(7)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

## PART II

### ACQUISITION OF LAND BY AGREEMENT

- 5 The provisions of Part I of the <sup>M25</sup>Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply in relation to the acquisition of land by

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agreement under section 104 above; and in the said Part I as so applied “land” shall have the meaning given by Schedule 1 to the <sup>M26</sup>Interpretation Act 1978.

**Marginal Citations**

**M25** 1965 c. 56 (28:1).

**M26** 1978 c. 30 (115:1).

**PART III**

SUPPLEMENTAL PROVISIONS

*Extinguishment of rights over land compulsorily acquired*

- 6
- (1) Subject to the provisions of this paragraph, upon the completion by the Authority of a compulsory acquisition of land under section 104 above all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the Authority.
  - (2) Sub-paragraph (1) above shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.
  - (3) In respect of any right or apparatus not falling within sub-paragraphs (2) above, sub-paragraph (1) above shall have effect subject—
    - (a) to any direction given by the Authority before the completion of the acquisition that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction; and
    - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the Authority and the person in or to whom the right or apparatus in question is vested or belongs.
  - (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the Authority.
  - (5) Any compensation payable under this paragraph shall be determined in accordance with the <sup>M27</sup>Land Compensation Act 1961.

**Marginal Citations**

**M27** 1961 c. 33 (28:1).

*Power to override easements and other rights*

- 7
- (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by the Authority under section 104 above, whether done by the Authority or by a person deriving title under it, is authorised by virtue of this paragraph if it is done in accordance with planning permission notwithstanding

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that it involves interference with an interest or right to which this paragraph applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract.

- (2) Nothing in this paragraph shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) This paragraph applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (4) In respect of any interference or breach in pursuance of sub-paragraph (1) above, compensation shall be payable under section 7 or 10 of the <sup>M28</sup>Compulsory Purchase Act 1965, and shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase to which the said Act of 1965 applies, or the injury arises from the execution of works on land acquired by such a purchase.
- (5) Where a person deriving title under the Authority is liable to pay compensation by virtue of sub-paragraph (4) above, and fails to discharge that liability, the liability shall, subject to sub-paragraph (6) below, be enforceable against the Authority.
- (6) Nothing in sub-paragraph shall be construed as affecting any agreement between the Authority and any other person for indemnifying the Authority against any liability under that sub-paragraph.
- (7) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in sub-paragraph (1) above.
- (8) In this paragraph—
  - (a) a reference to a person deriving title from another person includes a reference to any successor in title of that other person;
  - (b) a reference to deriving title is a reference to deriving title either directly or indirectly.

#### **Marginal Citations**

**M28** 1965 c. 56 (28:1).

#### *Use and development of consecrated land and burial grounds*

- 8 (1) Any consecrated land, whether or not including a building, which has been acquired by the Authority under section 104 above may, subject to the following provisions of this paragraph, be used by any person in any manner in accordance with planning permission, notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.
- (2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.

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- (3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land (not being consecrated land) acquired by the Authority under section 104 above, which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the requirements of regulations made by the Secretary of State for the purposes of this paragraph with respect to the removal and re-interment of any human remains, and the disposal of monuments and fixtures and furnishings.
- (4) Any use of consecrated land authorised by sub-paragraph (1) above shall be subject to such provisions as may be prescribed by such regulations for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.
- (5) Any regulations made for the purposes of this paragraph—
  - (a) shall contain such provisions as appear to the Secretary of State to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
  - (b) shall contain requirements relating to the disposal of any such land as is mentioned in sub-paragraphs (3) and (4) above such as appear to the Secretary of State requisite for securing that the provisions of those sub-paragraphs shall be complied with in relation to the use of the land; and
  - (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be expedient for the purposes of the regulations.
- (6) Any land consisting of a burial ground or part of a burial ground, which has been acquired as mentioned in sub-paragraph (1) above, may be used by any person in any manner in accordance with planning permission, notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.
- (7) Sub-paragraph (6) above shall not have effect in respect of any land which has been used for the burial of the dead until the requirements prescribed by regulations made under this paragraph with respect to the removal and re-interment of human remains, and the disposal of monuments, in or upon the land have been complied with.
- (8) Provision shall be made by any regulations made for the purposes of this paragraph—
  - (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and re-interment of any human remains or the disposal of any monuments;
  - (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and re-interment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, re-interment and disposal, not exceeding such amount as may be prescribed;
  - (c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with

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respect to the manner of removal, and the place and manner of re-interment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and re-interment of any human remains.

- (9) Subject to the provisions of regulations made under this paragraph, no faculty shall be required for the removal and re-interment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the <sup>M29</sup>Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.
- (10) Regulations under this paragraph shall be subject to annulment by a resolution of either House of Parliament.
- (11) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in sub-paragraph (1) or (6) above.
- (12) In this paragraph “burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and “monument” includes a tombstone or other memorial.

**Marginal Citations**

**M29** 1857 c. 81 (17:1).

*Use and development of land for open spaces*

- 9 (1) Any land being, or forming part of, a common or open space or fuel or field garden allotment, which has been acquired by the Authority under section 104 above may be used by any person in any manner in accordance with planning permission notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.
- (2) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in sub-paragraph (1) above.

*Savings for paragraphs 8 and 9*

- 10 (1) This paragraph applies as respects paragraphs 8 and 9 above.
- (2) In relation to any authority or body corporate, nothing in the said paragraphs shall be construed as authorising any act or omission on their part in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the authority or body.



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- (3) Any power conferred by the said paragraphs to use land in a manner therein mentioned shall be construed as a power to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.

*Construction of the Compulsory Purchase Acts in relation to this Part of this Act*

- 11 In construing the <sup>M30</sup>Compulsory Purchase Act 1965 in relation to section 104 above—
- (a) references to the execution of works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by paragraph 7 of this Schedule;
  - (b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 10 of the said Act of 1965 to the acquiring authority shall be construed as references to the persons by whom the buildings or works in question are erected, constructed or carried out.

**Marginal Citations**

**M30** 1965 c. 56(28:1).

*Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers*

- 12 (1) Where any land has been acquired by the Authority under section 104 above and—
- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land; or
  - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, the Authority, if satisfied that the extinguishment of the right or, as the case may be, in the removal of the apparatus, is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice stating that, at the end of the period of 28 days from the date of service of the notice or such longer period as may be specified therein, the right will be extinguished or requiring that, before the end of that period, the apparatus shall be removed.
- (2) The statutory undertakers on whom a notice is served under sub-paragraph (1) above may, before the end of the period of 28 days from the service of the notice, serve a counter-notice on the Authority stating that they object to all or any provisions of the notice and specifying the grounds of their objection.
- (3) If no counter-notice is served under sub-paragraph (2) above—
- (a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been

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complied with, the Authority may remove the apparatus and dispose of it in any way it may think fit.

- (4) If a counter-notice is served under sub-paragraph (2) above on the Authority, the Authority may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph embodying the provisions of the notice with or without modification.
- (5) Where by virtue of this paragraph any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the Authority.
- (6) [<sup>F79</sup>Sections 280 and 282 of the 1990 Act] (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (5) above as they apply to compensation under [<sup>F79</sup>section 279(2) of the 1990 Act]

#### Textual Amendments

**F79** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(9\)\(a\)](#)

#### *Orders under paragraph 12*

- 13 (1) Before making an order under paragraph 12(4) above the Ministers proposing to make the order—
- (a) shall afford to the statutory undertakers on whom notice was served under paragraph 12(1) above an opportunity of objecting to the application for the order; and
  - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the Authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose,
- and may then, if they think fit, make the order in accordance with the application either with or without modification.
- (2) Where an order is made under paragraph 12(4) above—
- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the Authority may remove the apparatus and dispose of it in any way it may think fit.

*Notice for same purposes as paragraph 12 but given by statutory undertakers to Authority*

- 14 (1) Subject to the provisions of this paragraph, where any land has been acquired by the Authority under section 104 above and—

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- (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers; and
- (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,

the undertakers may serve on the Authority a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

- (2) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land is begun to be carried out, no notice under this paragraph shall be served later than 21 days after the beginning of the development.
- (3) Where a notice is served under this paragraph, the Authority may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice stating that it objects to all or any of the provisions of the notice and specifying the grounds of its objection.
- (4) If no counter-notice is served under sub-paragraph (3) above, the statutory undertakers shall, after the end of the said period of 28 days, have the rights claimed in their notice.
- (5) If a counter-notice is served under sub-paragraph (3) above, the statutory undertakers who served the notice under this paragraph may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.
- (6) Where by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the Authority for the works to be carried out by the Authority, under the superintendence of the undertakers, instead of by the undertakers themselves.
- (7) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the Authority.
- (8) [<sup>F80</sup>sections 280 and 282 of the 1990 Act] (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (7) above as they apply to compensation under [<sup>F80</sup>section 279(4) of the 1990 Act]

#### Textual Amendments

**F80** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 44\(9\)\(b\)](#)

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### *Rights of entry*

- 15 (1) Any person, being an officer of the Valuation Office of the Inland Revenue Department or a person duly authorised in writing by the Authority, may at any reasonable time enter any land for the purposes of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land, under section 104 above, or in connection with any claim for compensation in respect of any such acquisition.
- (2) Any person duly authorised in writing by the Authority may at any reasonable time enter upon any land for the purpose of surveying it in order to enable the Authority to determine whether to make an application for planning permission for the carrying out of development of that land.
- (3) Subject to the provisions of paragraph 16 below, any power conferred by this paragraph to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein.
- 16 (1) A person authorised under paragraph 15 above to enter any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless 24 hours' notice of the intended entry has been given to the occupier.
- (2) Any person who wilfully obstructs a person acting in the exercise of his powers under paragraph 15 above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F81</sup>level 3 on the standard scale]
- (3) If any person who, in compliance with the provisions of paragraph 15 above, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.
- <sup>F82</sup> . . .
- (4) Where any land is damaged in the exercise of a right of entry conferred under paragraph 15 above or in the making of any survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Secretary of State or the Authority.
- (5) Except in so far as may be otherwise provided by regulations made by the Secretary of State under this sub-paragraph, any question of disputed compensation under sub-paragraph (4) above shall be referred to and determined by the Lands Tribunal.
- In relation to the determination of any question under this sub-paragraph, the provisions of sections 2 and 4 of the <sup>M31</sup>Land Compensation Act 1961 shall apply, subject to any necessary modifications and to the provisions of any regulations under this sub-paragraph.

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- (6) Where under paragraph 15 above a person proposes to carry out any works authorised by sub-paragraph (3) of that paragraph—
- (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by sub-paragraph (1) of this paragraph, and
  - (b) if the land in question is held by statutory undertakers and those undertakers object to the proposed works on the grounds that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

#### Textual Amendments

**F81** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

**F82** Words in [Sch. 20 para. 16\(3\)](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group2

#### Marginal Citations

**M31** [1961 c. 33 \(28:1\)](#).

### *Displacement of Rent Acts*

- 17 If the Secretary of State certifies that possession of a house which has been acquired by the Authority under section 104 above, and is for the time being held by the Authority for the purposes for which it was acquired, is immediately required for those purposes, nothing in the <sup>M32</sup>Rent Act 1977 shall prevent the Authority from obtaining possession of the house.

#### Marginal Citations

**M32** [1977 c. 42 \(75:3\)](#).

## SCHEDULE 21

Section 106.

### LAND AUTHORITY FOR WALES: FURTHER PROVISIONS

#### *Borrowing powers*

- 1 (1) The Authority may borrow temporarily, by way of overdraft or otherwise, such sums as it may require for meeting its obligations and discharging its functions—
- (a) in sterling from the Secretary of State, or
  - (b) with the consent of the Secretary of State, or in accordance with any general authority given by the Secretary of State, in sterling from a person other than the Secretary of State.
- (2) The Authority may borrow otherwise than by way of temporary loan such sums in sterling as the Authority may require from the Secretary of State.

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- (3) The aggregate amount outstanding by way of the principal of any money borrowed by the Authority under this paragraph shall not exceed £20 million.
- (4) The Authority shall not borrow money otherwise than under this paragraph.
- (5) The Secretary of State may lend to the Authority any sums which the Authority has power to borrow from him, and any such loan shall be repaid to the Secretary of State at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as he may from time to time determine.
- (6) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans in pursuance of this paragraph, and any sums received by the Secretary of State in pursuance of sub-paragraph (5) above shall be paid into that Fund.
- (7) References in this paragraph to the Secretary of State are references to him acting with the approval of the Treasury.

### *Guarantees*

- 2 (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of [<sup>F83</sup>the payment of interest on and the discharge of any other financial obligation in connection with] any sums which the Authority borrows from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this paragraph the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling the guarantee so given the Treasury shall, as soon as practicable after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged), lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the Authority shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rates as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

#### **Textual Amendments**

**F83** Words substituted by virtue of [Miscellaneous Financial Pensions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

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### *Accounts and audit*

- 3 (1) The Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts, and
  - (b) prepare in respect of each accounting year a statement of accounts, in such form as the Secretary of State may with the approval of the Treasury require, showing the state of affairs and the profit or loss of the Authority, and
  - (c) on or before 30th November in any year transmit to the Comptroller and Auditor General the statement of accounts of the Authority for the accounting year last ended.
- (2) The Comptroller and Auditor General shall examine and certify the statement of accounts transmitted to him under sub-paragraph (1) above, and lay copies of it together with his report thereon before each House of Parliament.
- (3) The Secretary of State shall for each financial year prepare, in such form and manner as the Treasury may approve, account of—
- (a) sums issued to the Secretary of State in pursuance of paragraph 1 above (or section 10 of the 1975 Act), and the disposal by the Secretary of State of those sums;
  - (b) sums required to be paid into the National Loans Fund in pursuance of paragraph 1 above (or section 10 of the 1975 Act);
- and shall send a copy of the account to the Comptroller and Auditor General not later than the end of November next following that year; and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report on it before Parliament.

### *Accounts and records about land*

- 4 (1) The Authority shall—
- (a) keep such accounts and records, and
  - (b) prepare and submit to the Secretary of State such statements of account, relating to the acquisition, holding and disposal of land as the Secretary of State may with the approval of the Treasury direct.
- (2) Directions under sub-paragraph (1) above may in particular relate to—
- (a) the items which are or are not to be included in the accounts, and the kinds of transactions which are to be recorded, and
  - (b) the form and manner in which the statements of accounts are to be prepared and the times at which they are to be submitted to the Secretary of State.
- (3) Money to be credited to an account kept under this paragraph shall not be applied by the Authority for any purpose without the consent of the Secretary of State.
- (4) Where any item debited to an account kept under this paragraph has been defrayed by borrowing, the Authority shall not be required, notwithstanding anything in any enactment, to make any annual provision for the repayment of the capital.
- (5) The Authority shall supply the Secretary of State—

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- (a) with such information as the Secretary of State may specify to enable him to ascertain the state of any account or record kept, or to verify any statement of account submitted to him, under this paragraph, and
  - (b) with such certificates supporting the information as the Secretary of State may specify.
- (6) The Secretary of State may publish in such manner as appears to him appropriate—
- (a) statements of account submitted to him under this paragraph, and
  - (b) any information obtained by him under sub-paragraph (5) above.

### *Surplus accounts*

- 5
- (1) The Secretary of State may, with the approval of the Treasury and after consulting the Authority, direct that any statement of account which—
    - (a) is submitted to him under paragraph 4 above for any financial year, and
    - (b) is of a kind specified in the direction,
 shall be a surplus account.
  - (2) So much of any surplus in a surplus account as the Secretary of State with the approval of the Treasury directs shall be paid by the Authority to the Secretary of State.
  - (3) The remainder of the surplus (if any) shall be applied by the Authority for any purpose for which capital money may be properly applied.
  - (4) The Secretary of State shall for each financial year prepare, in such form and manner as the Treasury may approve, an account of the sums received by him under this paragraph.
  - (5) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the said account for the financial year last ended.
  - (6) The Comptroller and Auditor General shall examine and certify the account submitted to him, and lay copies of it together with his report before each House of Parliament.

### *Reports*

- 6
- (1) The Authority shall as soon as practicable after the end of each accounting year make to the Secretary of State a report on the exercise of its functions during that year.
  - (2) The report for any accounting year—
    - (a) shall set out any direction given to the Authority under this Part of this Act, unless the Secretary of State has notified to the Authority his opinion that it should be omitted in the interests of national security, and
    - (b) shall include such information relating to the plans, past and present activities, of the Authority and the financial position of the Authority as the Secretary of State may from time to time direct.
  - (3) There shall be attached to the report for each accounting year a copy of the statements of accounts in respect of that year.



*Status: Point in time view as at 11/09/1998.*

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- (4) The Secretary of State shall lay before Parliament copies of each report made to him under sub-paragraph (1) above.

**Modifications etc. (not altering text)**

**C33** Sch. 21 para. 6 modified (1.10.1998) by 1998 c. 38, s. 138(2) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4

*Register of land holdings*

- 7 (1) The Secretary of State may by regulations provide for the keeping of a register by the Authority recording its acquisitions, holdings and disposals of land.
- (2) Regulations under this paragraph may prescribe—
- (a) the kinds of land and the kinds of transactions to be registered,
  - (b) the form of the registers, and the particulars to be contained in them,
  - (c) the circumstances in which, and conditions subject to which, the registers are to be open to public inspection.

*Information*

- 8 (1) Where, with a view to performing a function conferred on the Authority by this Part of this Act, the Authority considers that it ought to have information connected with any land, the Authority may serve on one or more of the following persons, namely—
- (a) the occupier of the land; and
  - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
  - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the provision which confers the function and requiring the recipient of the notice to furnish to the Authority, within a period specified in the notice (which shall not be less than 14 days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes to be the occupier of the land and of each person whom he believes to be, as respects the land, such a person as is mentioned in paragraphs (b) and (c) above.

- (2) A person who—
- (a) fails (without reasonable excuse) to comply with the requirements of a notice served on him in pursuance of sub-paragraph (1) above; or
  - (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F84</sup>level 4 on the standard scale]

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#### Textual Amendments

**F84** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

- 9 (1) Every local authority [<sup>F85</sup>and joint planning board]in Wales [<sup>F86</sup>and every National Park authority for a National Park in Wales] shall supply the Authority—
- (a) with such information as the Secretary of State may by regulations prescribe for the purposes of this paragraph (being information the Authority may need for the purpose of performing its functions), and
  - (b) with such certificates supporting the information as the Secretary of State may in the regulations specify.
- (2) If a [<sup>F87</sup>local planning authority]in Wales receives an application for planning permission made after the passing of this Act, [<sup>F88</sup>the local planning authority] shall as soon as practicable after receipt send a copy of the application to the Authority.
- (3) In Wales on any grant after the passing of this Act of planning permission, the local planning authority (or as the case may be the Secretary of State) shall as soon as practicable send a copy of the notification of the planning permission to the Authority.
- (4) Sub-paragraphs (2) and (3) above shall not apply if and so far as the Authority directs.

#### Textual Amendments

**F85** Words in [Sch. 21 para. 9\(1\)](#) inserted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 59\(8\)\(a\)](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

**F86** words in [Sch. 21 para. 9\(1\)](#) inserted (1.4.1996) by [1995 c. 25, s. 78](#), [Sch. 10 para. 20\(4\)](#) (with [ss. 7\(6\), 115, 117](#), [Sch. 8 para. 7](#)); [S.I. 1995/2950, art. 3](#)

**F87** Words in [Sch. 21 para. 9\(2\)](#) substituted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 59\(8\)\(b\)](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

**F88** Words in [Sch. 21 para. 9\(2\)](#) substituted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 59\(8\)\(b\)](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

#### *Service of documents*

- 10 Sections 231 and 233 of the <sup>M33</sup>Local Government Act 1972 (service of documents on local authorities, and by local authorities) shall apply as if the Authority were a local authority.

#### Marginal Citations

**M33** [1972 c. 70 \(81:1\)](#).

*Status:* Point in time view as at 11/09/1998.

*Changes to legislation:* Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### *Regulations and orders*

- 11 (1) The Secretary of State may make regulations for prescribing the form of—
- (a) any document required or authorised by or under this Part of this Act to be given to or served on the Authority, and
  - (b) any document authorised by or under this Part of this Act to be given, served, made or issued by the Authority.
- (2) Any power—
- (a) to make orders under any provision of this Part of this Act other than paragraph 12(4) and 14(5) of Schedule 20, and
  - (b) to make regulations under any provision of this Part of this Act, shall be exercisable by statutory instrument.
- (3) Any regulation or order under this Part of this Act—
- (a) may make different provision for different areas or other different cases;
  - (b) may include transitional and other supplemental and incidental provisions.

### *Directions and consents*

- 12 Any direction or consent given by the Secretary of State under this Part of this Act may be—
- (a) either general or limited to any particular case or class of case;
  - (b) in any of the instances mentioned in sub-paragraph (a) above, unconditional or subject to conditions,
- and any such direction or consent may be varied or revoked by him.

### *Local inquiries*

- 13 Section 250 of the <sup>M34</sup>Local Government Act 1972 shall extend to any public local inquiry held under the [<sup>F89</sup>1981] Act, by virtue of this Part of this Act, as if the Authority were a local authority.

#### **Textual Amendments**

**F89** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 30\(11\)](#)

#### **Marginal Citations**

**M34** [1972 c. 70 \(81:1\)](#).

### *Exclusion of special parliamentary procedure*

*Status: Point in time view as at 11/09/1998.*

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#### Textual Amendments

**F90** Sch. 20 para. 3, Sch. 21 para. 14, Sch. 28 Pt. IV para. 22 repealed by [Acquisition of Land Act 1981](#) (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

#### *Crown land*

- 15 (1) Notwithstanding the Crown or Duchy interest a private interest in Crown land may, with the consent in writing of the appropriate authority, be acquired compulsorily under section 104 above.
- (2) In this paragraph “Crown land” means land in which there is a Crown interest or a Duchy interest, and—
- (a) “Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department,
  - (b) “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall,
  - (c) “private interest” means an interest which is not a Crown interest or a Duchy interest,
- and “appropriate authority” in relation to Crown land shall be determined in accordance with [<sup>F91</sup>section 293(2) of the 1990 Act]

#### Textual Amendments

**F91** Words substituted by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(10)**

#### *Offences by corporations*

- 16 (1) Where an offence under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.

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## SCHEDULE 22

Section 110.

### SUPPLEMENTARY PROVISIONS (WALES)

#### *Loans*

- 1 Any sum borrowed under section 10 of the 1975 Act, and outstanding immediately before the passing of this Act, shall be treated as borrowed under paragraph 1 of Schedule 21 above.

#### *Guarantees*

- 2 Any guarantee given under section 11 of the 1975 Act and having effect immediately before the passing of this Act shall have effect as if given under paragraph 2 of Schedule 21 above, and sums issued under section 11 shall be treated accordingly.

#### *Accounts etc.*

- 3 (1) Entries contained immediately before the passing of this Act in an account or record kept by the Authority under section 12 of the 1975 Act shall on the passing of this Act cease to be so contained but, as soon as practicable after accounts and records are opened under paragraph 3 of Schedule 21 above, corresponding entries shall be made in those accounts and records.
- (2) Entries immediately before the passing of this Act in an account or record kept by the Authority under section 43 of the 1975 Act shall on the passing of this Act cease to be so contained but, as soon as practicable after accounts and records are opened under paragraph 4 of Schedule 21 above, corresponding entries shall be made in those accounts and records.
- (3) Paragraphs 3, 4 and 5 of Schedule 21 above shall then have effect accordingly.

#### *Land*

- 4 Where before the passing of this Act a binding contract has been made by the Authority to dispose of or acquire land, section 14 or (as the case may be) 15 of the 1975 Act shall continue to apply as they applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.
- 5 (1) A compulsory purchase order made by the Authority before the passing of this Act shall (subject to sub-paragraph (2) below) be disregarded on the passing of this Act.
- (2) Where a compulsory purchase order has been made by the Authority and submitted to the confirming authority for confirmation before the passing of this Act, section 15 of the 1975 Act 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.

*Status: Point in time view as at 11/09/1998.*

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### *Staff*

- 6 (1) A person who was a member, officer or servant of the Authority immediately before the passing of this Act shall continue to be a member, officer or servant as if appointed under this Part of this Act.
- (2) Nothing in this Act shall put a person in a worse position as regards his appointment.
- (3) The Secretary of State may, with the consent of [<sup>F92</sup>the Treasury], make regulations requiring the Authority to pay (in such cases and to such extent as may be determined by or under the regulations) compensation to or in respect of any such person who, after the passing of this Act and as a result of the changes in the Authority's functions arising from this Part of this Act, ceases to be a member, officer or servant of the Authority or suffers a loss or diminution of emoluments or pension rights.

#### **Textual Amendments**

**F92** Words substituted by virtue of [S.I. 1981/1670](#), art, 2(1)(d)

### *Rights and liabilities*

- 7 Rights and liabilities vested in the Authority immediately before the passing of this Act shall remain vested in the Authority and (subject to paragraphs 8 and 9 below) be treated as if they had been acquired or incurred under this Part of this Act.
- 8 Where a right was acquired by the Authority before the passing of this Act, and could not have been acquired under this Part of this Act, it may be enforced by the Authority as if this Act had not been passed.
- 9 Where a liability was incurred by the Authority before the passing of this Act, and could not have been incurred under this Part of this Act, it may be enforced against the Authority as if this Act had not been passed.

### *Property*

- 10 Property vested in the Authority immediately before the passing of this Act, and property later acquired by the Authority by virtue of any of the preceding provisions of this Schedule, shall be treated as if it were acquired by the Authority for the purposes of this Part of this Act.

### *General duties*

- 11 (1) Sub-paragraphs (2) and (3) below shall have effect in consequence of the repeal of section 17 of and Schedule 6 to the 1975 Act.

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- (2) In exercising its functions after the passing of this Act the Authority shall have regard to section 103 above and need not have regard to the matters specified in section 17 of and Schedule 6 to the 1975 Act.
- (3) In disposing, or agreeing to dispose, of an interest in land after the passing of this Act, the Authority need not have regard to an application (whenever made) under paragraph 2 of Schedule 6 to the 1975 Act.

#### *Planning permission for relevant development*

- 12 (1) Sub-paragraphs (2) and (3) below shall have effect in consequence of the repeal by this Act of sections 19 and 20 of and Schedule 7 to the 1975 Act.
- (2) Paragraph 13(2) to (7) of Schedule 17 above shall apply (with the appropriate modifications) as if the Authority were an authority to which those sub-paragraphs apply.
- (3) If, before the passing of this Act, there was a duty to send to the Authority a copy of an application or notification under Part III of Schedule 7 to the 1975 Act, there shall continue to be such a duty after the passing of this Act notwithstanding the repeal of that Part.

#### *Amended Acts*

- 13 In paragraph 1 of the Schedule to the <sup>M35</sup>Public Bodies (Admission to Meetings) Act 1960 (which specifies the bodies in England and Wales to which that Act applies) paragraph (bb) shall continue to have effect as it had effect immediately before the passing of this Act and accordingly to read thus:—  
“(bb) the Land Authority for Wales;”.

#### **Marginal Citations**

**M35** 1960 c. 67 (81:4).

- 14 (1) Section 25(1)(aa) of the <sup>M36</sup>Local Government Act 1974 (authorities subject to investigation); shall continue to have effect as it had effect immediately before the passing of this Act, except that the words from “and” to the end shall be omitted.
- (2) Accordingly, section 25(1)(aa) shall read:—  
“(aa) the Land Authority for Wales.”.
- (3) Section 30(2A) of the <sup>M37</sup>Local Government Act 1974 shall continue to have effect as it had effect immediately before the passing of this Act and accordingly to read thus:—  
“(2A) Where the complaint related to the Land Authority for Wales, the Local Commissioner shall also send the report or statement to the Secretary of State.”.

*Status: Point in time view as at 11/09/1998.*

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**Marginal Citations**

**M36** 1974 c. 7 (81:1).

**M37** 1974 c. 7(81:1).

- 15 The entry relating to the Authority in Part II of Schedule 1 to the <sup>M38</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) shall continue to have effect as it had effect immediately before the passing of this Act, and accordingly there shall continue to be inserted in that Part at the appropriate place in alphabetical order:— “The Land Authority for Wales”.

**Marginal Citations**

**M38** 1975 c. 24 (89).

*General*

- 16 The Secretary of State may by order made by statutory instrument make such further provisions containing savings and transitionals about the Land Authority for Wales as he sees fit (including, if he sees fit, provisions supplementing the preceding provisions of this Schedule).

SCHEDULE 23

Section 118.

LAND : MISCELLANEOUS AMENDMENTS

**PART I**

AMENDMENTS OF ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT 1946

<sup>F93</sup>1 .....

**Textual Amendments**

**F93** Sch. 23 Pt. I para. 1 repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 6 Pt. I



*Status: Point in time view as at 11/09/1998.*

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## PART II

### AMENDMENTS OF NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949

#### Modifications etc. (not altering text)

**C34** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 (1) Subsection (4) of section 77 of the <sup>M39</sup>National Parks and Access to the Countryside Act 1949 (under which the power to acquire land for public access to the open country in a National Park is in certain circumstances exercisable by the Minister of Agriculture, Fisheries and Food) shall cease to have effect.
- (2) Accordingly, in subsections (5) of that section, for the words from the beginning to “be” there shall be substituted the words “The Secretary of State”.

#### Marginal Citations

**M39** 1949 c. 97.

## PART III

### AMENDMENTS OF TOWN AND COUNTRY PLANNING ACT 1959

#### Modifications etc. (not altering text)

**C35** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 3 The following subsection shall be substituted for section 23(2) of the <sup>M40</sup>Town and Country Planning Act 1959:—

“(2) Before exercising any power of appropriation in relation to land which consists or forms part of open space, not being land which consists or forms part of a common or of a fuel or field garden allotment, an authority to whom this Part of this Act applies—

- (a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and
- (b) shall consider any objections to the proposed appropriation which may be made to them.”.

*Status: Point in time view as at 11/09/1998.*

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**Marginal Citations**

**M40** 1959 c. 53.

- 4 In section 23(3) of that Act the words following paragraph (ii) shall cease to have effect.
  - 5 The following subsection shall be substituted for subsection (2) of section 26 of that Act (disposal):—
    - “(2) Before disposing of any land which consists or forms part of an open space, not being land which consists or form a part of a common or of a fuel or field garden allotment, an authority to which this Part of this Act applies—
      - (a) shall publish notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and
      - (b) shall consider any objections to the proposed disposal which may be made to them.”.
  - 6 In the said section 26—
    - (a) subsection (3); and
    - (b) in subsection (5), the words following paragraph (ii) shall cease to have effect.
  - 7 Section 30(5) (supplementary) of that Act shall cease to have effect.
- <sup>F94</sup>8—11 .....

**Textual Amendments**

**F94** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**PART V**

**AMENDMENTS OF LOCAL GOVERNMENT ACT 1972**

**Modifications etc. (not altering text)**

**C36** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 12 (1) In section 122 of the <sup>M41</sup>Local Government Act 1972 (appropriation of land by principal councils) the words in subsection (2) following paragraph (b) shall cease to have effect.
- (2) The following subsections shall be inserted after that subsection:—

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“(2A) A principal council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

(2B) Where land appropriated by virtue of subsection (2A) above is held—

- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
- (b) in accordance with section 10 of the Open Space Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.”.

#### Marginal Citations

M41 1972 c. 70.

13 Subsections (3) and (5) of that section shall cease to have effect.

14 The following subsections shall be inserted after subsection (2) of section 123 of that Act (disposal of land by principal councils):—

“(2A) A principal council may not dispose under subsection (1) above any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

(2B) Where by virtue of subsection (2A) above a council dispose of land which is held—

- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
- (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.”.

15 Subsections (3), (4) and (5) of that section shall cease to have effect.

16 Section 123A of that Act (consent for disposals of land by principal councils) shall cease to have effect.

17 (1) In section 126 of that Act (appropriation of land by parish and community councils and by parish meetings) the words in subsection (4) following paragraph (b) shall cease to have effect.

(2) The following subsections shall be inserted after that subsection:—

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“(4A) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

(4B) Where land is appropriated by virtue of subsection (4A) above is held—

- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
- (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.”.

18 Subsection (5) of that section shall cease to have effect.

19 The following subsection shall be substituted for section 127(3) of that Act (which applies certain provisions of section 123 to disposals of land held by parishes and communities):—

“(3) Subsections (2A) and (2B) of section 123 above shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section, with the substitution of a reference to a parish or community council or the parish trustees of a parish for the reference to a principal council in the said subsection (2A).”.

20 The following definition shall be inserted in section 270(1) of that Act after the definition of “1963 Act” :—

““open space” has the meaning assigned to it by section 290(1) of the Town and Country Planning Act 1971 ;”.

## PART VI

### AMENDMENT OF LOCAL GOVERNMENT (SCOTLAND) ACT 1973

#### Modifications etc. (not altering text)

**C37** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

21 Section 74A of the <sup>M42</sup>Local Government (Scotland) Act 1973 (no local authority in Scotland to dispose of certain interests in land without Secretary of State’s consent) shall cease to have effect.

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Marginal Citations**

**M42** 1973 c. 65.

SCHEDULE 24

Section 121.

LAND COMPENSATION ACTS AS AMENDED

**PART I**

SECTION 17 OF <sup>M43</sup>LAND COMPENSATION ACT 1961

**Marginal Citations**

**M43** 1961 c. 33 (28:1).

*Certification of appropriate alternative development.*

- 17 (1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—
- (a) an area defined in the development plan as an area of comprehensive development, or
  - (b) an area shown in the development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,
- then, subject to subsection (2) of this section, either of the parties directly concerned may apply to the local planning authority for a certificate under this section.
- (2) If, in the case of an interest in land falling within subsection (1) of this section, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Lands Tribunal to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by either of the parties directly concerned after the date of that reference except either—
- (a) with the consent in writing of the other of those parties, or
  - (b) with the leave of the Lands Tribunal.
- (3) An application for a certificate under this section—
- (a) shall state whether or not there are, in the applicant's opinion, any classes of development which, either immediately or at a future time, would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers and, if so, shall specify the classes of development and the times at which they would be so appropriate;
  - (b) shall state the applicant's grounds for holding that opinion; and

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- (c) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.
- (4) Where an application is made to the local planning authority for a certificate under this section in respect of an interest in land, the local planning authority shall, not earlier than twenty-one days after the date specified in the statement mentioned in paragraph (c) of subsection (3) of this section, issue to the applicant a certificate stating either of the following to be the opinion of the local planning authority regarding the grant of planning permission in respect of the land in question, if it were not proposed to be acquired by an authority possessing compulsory purchase powers, that is to say—
  - (a) that planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) would have been granted; or
  - (b) that planning permission would not have been granted for any development other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.
- (5) Where, in the opinion of the local planning authority, planning permission would have been granted as mentioned in paragraph (a) of subsection (4) of this section, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both, as the case may be, in addition to the other matters required to be contained in the certificate.
- (6) For the purposes of subsection (5) of this section, a local planning authority may formulate general requirements applicable to such classes of case as may be described therein; and any conditions required to be specified in the certificate in accordance with that subsection may, if it appears to the local planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.
- (7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development would have been granted in respect of any land, the local planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.
- (8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.
- (9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority shall serve a copy of the certificate on the other of those parties.

*Status: Point in time view as at 11/09/1998.*

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## PART II

### SECTION 25 OF <sup>M44</sup>LAND COMPENSATION (SCOTLAND) ACT 1963

#### Marginal Citations

M44 1963 c. 51 (28:2)

#### *Certification of appropriate alternative development.*

- 25 (1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—
- (a) an area defined in the development plan as an area of comprehensive development, or
  - (b) an area shown in the development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,
- then, subject to subsection (2) of this section, either of the parties directly concerned may apply to the planning authority for a certificate under this section.
- (2) If, in the case of an interest in land falling within subsection (1) of this section, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Land Tribunal for Scotland to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by either of the parties directly concerned after the date of that reference except either—
- (a) with the consent in writing of the other of those parties, or
  - (b) with the leave of the Lands Tribunal for Scotland.
- (3) An application for a certificate under this section—
- (a) shall state whether or not there are in the applicant's opinion, any classes of development which, either immediately or at a future time, would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers and, if so, shall specify the classes of development and the times at which they would be so appropriate;
  - (b) shall state the applicant's grounds for holding that opinion; and
  - (c) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.
- (4) Where an application is made to the planning authority for a certificate under this section in respect of an interest in land, the planning authority shall, not earlier than twenty-one days after the date specified in the statement mentioned in subsection (3) (c) of this section, issue to the applicant a certificate stating that, in the opinion of the planning authority in respect of the land in question, either—
- (a) planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) would have been granted; or

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- (b) planning permission would not have been granted for any development other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.
- (5) Where, in the opinion of the planning authority, planning permission would have been granted as mentioned in subsection (4)(a) of this section, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time the certificate shall specify those conditions, or that future time, or both, as the case may be, in addition to the other matters required to be contained in the certificate.
- (6) For the purposes of subsection (5) of this section, a planning authority may formulate general requirements applicable to such classes of case as may be described therein; and any conditions required to be specified in the certificate in accordance with that subsection may, if it appears to the planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.
- (7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development would have been granted in respect of any land, the planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.
- (8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in subsection (1)(a) or subsection (1)(b) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.
- (9) On issuing to either of the parties directly concerned a certificate under this section in respect of an interest in land, the planning authority shall serve a copy of the certificate on the other of those parties.

SCHEDULE 25

Section 133.

NEW TOWNS

<sup>F95</sup>1—6. . . . .

**Textual Amendments**

**F95** Sch. 25 Pt. I (paras. 1–6) repealed by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 11 para. 13](#), [Sch. 13](#)



*Status: Point in time view as at 11/09/1998.*

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## PART II

### AMENDMENT OF <sup>M45</sup>NEW TOWNS (SCOTLAND) ACT 1968

#### Modifications etc. (not altering text)

**C38** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M45** 1968 c. 16.

7 In section 18(4) of the 1968 Act, after “disposal thereof by way of” insert “ sale ”.

## PART III

### AMENDMENT OF LAND COMPENSATION ACT 1961

#### Modifications etc. (not altering text)

**C39** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8 (1) After paragraph 8 of Schedule 1 to the <sup>M46</sup>Land Compensation Act 1961 (disregard of development in certain cases, including cases where land forms part of a new town area) there shall be inserted the following:

“9 (1) This paragraph applies where, before the date of service of the notice to treat for the purposes of a compulsory acquisition (the relevant acquisition), the land has been disposed of by an authority or body in circumstances where paragraph 3 or 3A of this Schedule would have applied if (at the time of the disposal) the authority or body had been compulsorily acquiring the land.

(2) In that case, paragraphs 3 and 3A shall not apply for the purposes of the relevant acquisition.”

(2) This paragraph does not apply where a notice to treat has been served before this paragraph comes into force.

#### Marginal Citations

**M46** 1961 c. 33.

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## PART IV

### AMENDMENTS OF LAND COMPENSATION (SCOTLAND) ACT 1963

#### Modifications etc. (not altering text)

**C40** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 9 (1) In Schedule 1 to the <sup>M47</sup>Land Compensation (Scotland) Act 1963 there shall be inserted below the words “Schedule 1” a new cross heading “Part I” and at the end of that Schedule there shall be added the following:—

#### “PART II

##### SPECIAL PROVISION AS TO NEW TOWNS

- 5 (1) This paragraph applies where, before the date of service of the notice to treat for the purposes of a compulsory acquisition (the relevant acquisition), the land has been disposed of by an authority or body in circumstances where paragraph 3 or 3A of this Schedule would have applies if (at the time of the disposal) the authority or body had been compulsorily acquiring the land.
- (2) In that case, paragraphs 3 and 3A shall not apply for the purposes of the relevant acquisition.”.
- (2) in sections 13, 14 and 15 of the said Act after the words “first column” and the words “second column” wherever they occur there shall be inserted the words “ of Part I ”;
- (b) in section 13 of the said Act after subsection (2) there shall be inserted a new subsection as follows:
- “(2A) The provisions of Part II of Schedule 1 to this Act shall have effect with regard to paragraphs 3 and 3A of Part I of that Schedule.”.
- (3) This paragraph shall not apply where a notice to treat has been served before this paragraph comes into force.

#### Marginal Citations

M47 1963 c. 51.

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## <sup>F96</sup>SCHEDULE 26

Section 135.

### URBAN DEVELOPMENT CORPORATIONS

#### Textual Amendments

**F96** Sch. 26 shall cease to have effect (E.W.) (1.10.1996) by virtue of 1996 c. 52, s. 222, Sch. 18 Pt. IV para. 22(1)(b)(3); S.I. 1996/2402, art. 3, Sch.

#### *Members*

- 1 An urban development corporation (in this Schedule referred to as a “corporation”) shall consist of a chairman, a deputy chairman and such number of other members (not less than five but not exceeding 11) as the Secretary of State may by order under section 135 above prescribe.
- 2 (1) The members of a corporation shall be appointed by the Secretary of State.  
(2) In appointing members of the corporation the Secretary of State shall have regard to the desirability of securing the services of people having special knowledge of the locality in which the urban development area is or will be situated.  
(3) In relation to the possible appointment of people falling within sub-paragraph (2) above, the Secretary of State shall consult such local authorities as appear to him to be concerned with the regeneration of the urban development area.  
(4) The Secretary of State shall appoint two of the members to be respectively chairman and deputy chairman of the corporation.
- 3 Subject to the following provisions of this Schedule, a member of the corporation, and the chairman and deputy chairman of the corporation, shall hold and vacate office as such in accordance with the terms of the instrument by which they are respectively appointed.
- 4 If the chairman or deputy chairman ceases to be a member of the corporation, he shall also cease to be chairman or deputy chairman, as the case may be.
- 5 Any member of the corporation may, by notice in writing addressed to the Secretary of State, resign his membership; and the chairman or deputy chairman may, by the like notice, resign his office as such.
- 6 If the Secretary of State is satisfied that a member of the corporation (including the chairman or deputy chairman)—
  - (a) has become bankrupt or made an arrangement with his creditors (or in Scotland has had his estate sequestrated or has made a trust deed for the behoof of his creditors or a composition contract), or
  - (b) is incapacitated by physical or mental illness, or
  - (c) has been absent from meetings of the corporation for a period longer than 3 consecutive months without the permission of the corporation, or
  - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,the Secretary of State may remove him from his office.
- 7 A member of the corporation who ceases to be a member or ceases to be chairman or deputy chairman shall be eligible for reappointment.

*Status: Point in time view as at 11/09/1998.*

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### Remuneration

- 8 The corporation may pay to each member such remuneration and allowances as the Secretary of State may determine [<sup>F97</sup>with the consent of the Minister for the Civil Service].

#### Textual Amendments

**F97** Words in *Sch. 26 para. 8* repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. XIII**; S.I. 1996/2402, art. 3, **Sch.**

#### Modifications etc. (not altering text)

**C41** *Sch. 26 para. 8*: certain functions of the Minister for the Civil Service transferred to the Treasury by S.I. 1981/1670, **art. 2**; and any requirement in *Sch. 26* for the consent or approval of the Treasury shall cease to have effect (E.W.) (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. IV para. 22(1)(b)(3)**; S.I. 1996/2402, art. 3, **Sch.**

- 9 The corporation may pay or make provision for paying, to or in respect of any member, such sums by way of pensions, allowances and gratuities as the Secretary of State may determine [<sup>F98</sup>with the consent of the Minister of the Civil Service].

#### Textual Amendments

**F98** Words in *Sch. 26 para. 9* repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. XIII**; S.I. 1996/2402, art. 3, **Sch.**

#### Modifications etc. (not altering text)

**C42** *Sch. 26 para. 9*: certain functions of the Minister for the Civil Service transferred to the Treasury by S.I. 1981/1670, **art. 2**; and any requirement in *Sch. 26* for the consent or approval of the Treasury shall cease to have effect (E.W.) (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. IV para. 22(1)(b)(3)**; S.I. 1996/2402, art. 3, **Sch.**

- 10 Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the corporation may make to him payment of such amount as the Secretary of State may determine [<sup>F99</sup>with the consent of the Minister for the Civil Service].

#### Textual Amendments

**F99** Words in *Sch. 26 para. 10* repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. XIII**; S.I. 1996/2402, art. 3, **Sch.**

#### Modifications etc. (not altering text)

**C43** *Sch. 26 para. 10*: certain functions of the Minister for the Civil Service transferred to the Treasury by S.I. 1981/1670, **art. 2**; and any requirement in *Sch. 26* for the consent or approval of the Treasury shall cease to have effect (E.W.) (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. IV para. 22(1)(b)(3)**; S.I. 1996/2402, art. 3, **Sch.**

*Status: Point in time view as at 11/09/1998.*

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### *Staff*

- 11 (1) A corporation may, with the approval of the Secretary of State, appoint such officers and servants as the corporation may determine.
- (2) References in paragraph 12 below to employees of a corporation are to persons appointed in pursuance of this paragraph.
- 12 (1) Employees of a corporation shall be appointed at such remuneration and on such other terms and conditions as the corporation may determine.
- (2) A corporation may pay such pensions, allowances or gratuities as it may determine to or in respect of any of its employees, make such payments as it may determine towards the provision of pensions, allowances or gratuities to or in respect of any of its employees or provide and maintain such schemes as it may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any of its employees.
- (3) The reference in sub-paragraph (2) above to pensions, allowances or gratuities to or in respect of any of a corporation's employees includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the corporation's employees who suffer loss of office or employment or loss or diminution of emoluments.
- (4) If an employee of a corporation becomes a member and was by reference to his employment by the corporation a participant in a pension scheme maintained by the corporation for the benefit of any of its employees, the corporation may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the corporation whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 9 above.
- (5) A determination of the corporation for the purposes of this paragraph is ineffective unless made with the approval of the Secretary of State given [<sup>F100</sup>with the consent of the Minister for the Civil Service]

#### **Textual Amendments**

**F100** Words in [Sch. 26 para. 12\(5\)](#) repealed (E.W.) (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. XIII](#); [S.I. 1996/2402, art. 3, Sch.](#)

#### **Modifications etc. (not altering text)**

**C44** [Sch. 26 para. 12](#): certain functions of the Minister for the Civil Service transferred to the Treasury by [S.I. 1981/1670, art. 2](#); and any requirement in [Sch. 26](#) for the consent or approval of the Treasury shall cease to have effect (E.W.) (1.10.1996) by [1996 c. 52, s. 222, Sch. 18 Pt. IV para. 22\(1\)\(b\)\(3\)](#); [S.I. 1996/2402, art. 3, Sch.](#)

### *Meetings and proceedings*

- 13 The quorum of the corporation and the arrangements relating to its meetings shall, subject to any directions given by the Secretary of State, be such as the corporation may determine.
- 14 The validity of any proceedings of the corporation shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

*Status: Point in time view as at 11/09/1998.*

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*Instruments, etc.*

- 15 The fixing of the seal of the corporation shall be authenticated by the signature of the chairman or of some other member authorised either generally or specially by the corporation to act for that purpose.
- 16 Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the corporation by any person generally or specially authorised by it to act for that purpose.
- 17 Any document purporting to be a document duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

*House of Commons disqualification*

- 18 In Part III of Schedule 1 to the <sup>M48</sup>House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place in alphabetical order:—

“Any member, in receipt of remuneration, of an urban development corporation (within the meaning of Part XVI of the Local Government Planning and Land Act 1980)”.]

**Modifications etc. (not altering text)**

**C45** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M48** 1975 c. 24.

SCHEDULE 27

Section 141.

VESTING OF LAND IN URBAN DEVELOPMENT CORPORATIONS

1<sup>F101</sup>—8.

**Textual Amendments**

**F101** Sch. 27 Pt. I paras. 1–8 repealed (E.W.) by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\)](#), s. 16(3), [Sch. 5](#)

- 9 The <sup>M49</sup>Land Compensation Act 1961 shall have effect in relation to orders under section 141 above subject to the modifications specified in paragraphs 10 to 14 below.

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Marginal Citations**

**M49** 1961 c. 33 (28:1)

- 10 References to the date of service of a notice to treat shall be treated as references to the date on which an order under that section comes into force.
- 11 Section 17(2) shall be treated as if for the words “the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority” there were substituted the words “ an order under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation has come into force, or an agreement has been made for the sale of the interest to such a corporation ”.
- 12 In section 22—
- (a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words “or
  - (d) where an order has been made under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation.”; and
  - (b) subsection (3) shall be treated as if in paragraph (a) the words “or (d)” were inserted after the words “paragraph (b)”.
- 13 Any reference to a notice to treat in section 39(2) shall be treated as a reference to an order under section 141 above.
- <sup>F102</sup>14 .....

**Textual Amendments**

**F102** Sch. 27 para. 14, Sch. 33 paras. 6, 8 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

**PART II**

MODIFICATION OF ENACTMENTS: SCOTLAND

- 15 Paragraphs 6 to 13 and 16 to 39 of [<sup>F103</sup>Schedule 15 to the Town and Country Planning (Scotland) Act 1997] shall have effect in relation to orders under section 141 above, subject to the modifications specified in paragraphs 16 to 20 below.

**Textual Amendments**

**F103** Words in Sch. 27 para. 15 substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(9)**

- 16 Any reference to a general vesting declaration shall be treated as a reference to an order under that section.



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- 17 The references in paragraphs 6 and 7 to the end of the period specified in a general vesting declaration shall be treated as references to the date on which such an order comes into force and the reference in paragraph 9 to the acquiring authority having made a general vesting declaration shall be treated as a reference to such an order having come into force.
- 18 In paragraph 6—
- (a) the reference to every person on whom, under section 17 of the <sup>M50</sup>Lands Clauses Consolidation (Scotland) Act 1845, the acquiring authority could have served a notice to treat, shall be treated as a reference to every person whose interest in the land to which such an order relates is vested by the order in the urban development corporation; and
  - (b) Paragraph (a) shall be omitted.

**Marginal Citations**

**M50** 1845 c 19 (28:2).

- 19 The reference in paragraph 20(2) to the date on which the notice required by paragraph 4 is served on any person shall be treated as a reference to the date on which such an order comes into force.
- 20 In paragraph 29—
- (a) sub-paragraph (1)(a) shall be omitted; and
  - (b) the reference in sub-paragraph (1)(b) to the date on which a person first had knowledge of the execution of the general vesting declaration shall be treated as a reference to the date on which an order under section 141 above came into force.
- 21 The <sup>M51</sup>Land Compensation (Scotland) Act 1963 shall have effect in relation to orders under section 141 above subject to the modifications specified in paragraphs 22 to 26 below.

**Marginal Citations**

**M51** 1963 c. 51 (28:2).

- 22 References to the date of service of a notice to treat shall, be treated as references to the date on which an order under that section comes into force.
- 23 Section 25(2) shall be treated as if for the words “the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority” there were substituted the words “an order under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation has come into force, or an agreement has been made for the sale of the interest to such a corporation.”
- 24 In section 30—
- (a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words “or
  - (d) where an order has been made under section 141 of the Local Government, Planning and Land Act 1980



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- vesting the land in which the interest subsists in an urban development corporation.”; and
- (b) subsection (3) shall be treated as if in paragraph (a) the words “or (2)(d)” were inserted after the words “sub-section (2)(b)”.
- 25 Any reference to a notice to treat in section 45(2) shall be treated as a reference to an order under section 141 above.
- 26 In Schedule 2, paragraph 1(2)(a) shall be treated as if the words “or the coming into force of an order under section 141 of the Local Government, Planning and Land Act 1980 for the vesting of the land in an urban development corporation” were inserted after the word “land”.

## SCHEDULE 28

Section 144.

### URBAN DEVELOPMENT CORPORATIONS: LAND

#### PART I

#### MODIFICATIONS OF [F1041981] AND 1947 ACTS

##### Textual Amendments

**F104** Word substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115\)](#), [s. 17\(2\)\(a\)](#) and [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(2), [Sch. 5 para. 1](#)

- 1 The [F1051981] Act and the 1947 Act shall apply in relation to the compulsory acquisition of land under section 142 or 143 above with the modifications made by the following provisions of this Part of this Schedule [F106and in paragraph 2 below as it applies in England and Wales for “Part I of Schedule 1” and “paragraph 6 of Schedule 1” substitute respectively “section 2(2)” and “section 15”.]

##### Textual Amendments

**F105** Word substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(12\)\(a\)](#)

**F106** Words added by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(12\)](#)

- 2 (1) Where a compulsory purchase order authorising the acquisition of any land is submitted to the Secretary of State in accordance with Part I of Schedule 1 then, if the Secretary of State—
- (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but
- (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,
- he may confirm the order so far as it relates to the land mentioned in paragraph (a) above, and give directions postponing the consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.

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- (2) Where the Secretary of State gives directions under sub-paragraph (1) above, the notices required by paragraph 6 of Schedule 1 to be published and served shall include a statement of the effect of the directions.
- [<sup>F1073</sup> (1) Notwithstanding anything in paragraph 10 of Schedule 1, a compulsory purchase order under section 142 or 143 above authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking may be confirmed without a certificate under that paragraph.
- (2) Except where the appropriate Minister's certificate is given, a compulsory purchase order to which this paragraph applies shall be of no effect unless it is confirmed by the appropriate Minister jointly with the Minister or Ministers who would apart from this sub-paragraph have power to confirm it.

In this sub-paragraph "the appropriate Minister's certificate" means such a certificate as is mentioned in paragraph 10 of Schedule 1.

- (3) Sections 238 to 240 of the Act of 1971 (measure of compensation for statutory undertakers) and sections 227 to 229 of the 1972 Act (which make similar provision for Scotland) shall apply in respect of a compulsory acquisition which is effected by a compulsory purchase order which by virtue of this paragraph is confirmed without a certificate.]

#### Textual Amendments

**F107** Para 3 repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**

## PART II

### ACQUISITION OF LAND BY AGREEMENT

- 4 (1) The provisions of Part I of the <sup>M52</sup>Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply in relation to the acquisition of land by agreement under section 142 above; and in the said Part I as so applied "land" shall have the meaning given by the <sup>M53</sup>Interpretation Act 1978.
- (2) For the purpose of the acquisition by agreement of land in Scotland under section 142 of this Act, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the <sup>M54</sup>Lands Clauses Consolidation (Scotland) Act 1845) and sections 6 and 70 of the <sup>M55</sup>Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act, as originally enacted and not as amended for certain purposes by section 15 of the <sup>M56</sup>Mines (Working Facilities and Support) Act 1923 shall be incorporated with section 142 of this Act, and in construing those Acts for the purpose of that section, that section shall be deemed to be the special Act, and the urban development corporation to be promoters of the undertaking or company, as the case may require; and in those Acts as so incorporated "land" shall have the meaning given by the <sup>M57</sup>Interpretation Act 1978.

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#### Marginal Citations

- M52 1965 c. 56 (28:1).
- M53 1978 c. 30 (115:1).
- M54 1845 c. 19 (28:2).
- M55 1845 c. 33 (102).
- M56 1923 c. 20 (102).
- M57 1978 c. 30 (115:1).

### PART III

#### LAND: SUPPLEMENTARY

##### *Extinguishment of rights over land*

- 5 (1) Subject to this paragraph, on an order under section 141 above coming into force or the completion by an urban development corporation or local highway authority of a compulsory acquisition of land under this Part of this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the corporation or (as the case may be) authority.
- (2) Sub-paragraph (1) above does not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of carrying on their undertaking [F108 or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or to any telecommunication apparatus kept installed for the purposes of any such system]
- (3) In respect of any right or apparatus not falling within sub-paragraph (2) above, sub-paragraph (1) above shall have effect subject—
- (a) to any direction given by the Secretary of State before the coming into force of the order (or, as the case may be, by the corporation before the completion of the acquisition) that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction, and
  - (b) to any agreement which may be made (whether before or after the coming into force of the order or completion of the acquisition) between the Secretary of State (or corporation) and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the corporation.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the M58 Land Compensation Act 1961 or the M59 Land Compensation (Scotland) Act 1963.

#### Textual Amendments

- F108 Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 75\(2\)](#)

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#### **Marginal Citations**

**M58** 1961 c. 33 (28:1).

**M59** 1963 c. 51 (28:2).

#### *Power to override easements*

- 6 (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act, whether done by the corporation or authority or by any other person, is authorised by virtue of this paragraph if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this paragraph applies, or involves a breach of a restriction as to the user of land by virtue of a contract.
- (2) Nothing in sub-paragraph (1) above shall authorise interference with an right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking [<sup>F109</sup>of a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system].
- (3) This paragraph applies to the following interests and rights, that is to say, any easement, servitude, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (4) In respect of any interference or breach in pursuance of sub-paragraph (1) above, compensation shall be payable under section 7 or 10 of the <sup>M60</sup>Compulsory Purchase Act 1965 (or section 61 of the <sup>M61</sup>Lands Clauses Consolidation (Scotland) Act 1845 and section 6 of the <sup>M62</sup>Railways Clauses Consolidation (Scotland) Act 1845), to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase by an urban development corporation or local highway authority or the injury arises from the execution of works on land acquired by such a corporation or authority.
- (5) Where a person other than the urban development corporation or local highway authority by or in whom the land in question was acquired or vested is liable to pay compensation by virtue of sub-paragraph (4) above, and fails to discharge that liability, the liability shall (subject to sub-paragraph (6) below) be enforceable against the corporation or authority.
- (6) Nothing in sub-paragraph (5) above shall be construed as affecting any agreement between the corporation or authority and any other person for indemnifying the corporation or authority against any liability under that sub-paragraph.
- (7) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit (*or in Scotland at the instance*) of any person on any grounds other than such an interference or breach as is mentioned in sub-paragraph (1) above.
- (8) Nothing in this paragraph shall be construed as authorising any act or omission on the part of an urban development corporation or local highway authority, or of any

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body corporate, in contravention of any limitation imposed by law on its capacity by virtue of the constitution of the corporation, authority or body.

#### Textual Amendments

**F109** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 75\(3\)](#)

#### Marginal Citations

**M60** [1965 c. 56 \(28:1\)](#).

**M61** [1845 c. 19 \(28:2\)](#).

**M62** [1845 c. 33 \(102\)](#).

#### *Consecrated land and burial grounds*

- 7 (1) Any consecrated land, whether including a building or not, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may (subject to the following provisions of this paragraph) be used by the corporation or authority, or by any other person, in any manner in accordance with planning permission, notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.
- (2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.
- (3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land, not being consecrated land, vested or acquired as mentioned in that sub-paragraph which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains, and the disposal of monuments and fixtures and furnishings; and, in the case of consecrated land, shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.
- (4) Any regulations made for the purposes of sub-paragraph (3) above—
- (a) shall contain such provisions as appear to the Secretary of State to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
  - (b) shall contain requirements relating to the disposal of any such land as is mentioned in sub-paragraph (3) above such as appear to the Secretary of State requisite for securing that the provisions of that sub-paragraph shall be complied with in relation to the use of the land; and
  - (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be expedient for the purposes of the regulations.

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- (5) Any land consisting of a burial ground or part of a burial ground, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may be used by the corporation or authority in any manner in accordance with planning permission, notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.
- (6) Sub-paragraph (5) above shall not have effect in respect of any land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.
- (7) Provision shall be made by any regulation made for the purposes of sub-paragraph (3) above and sub-paragraph (6) above—
  - (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments;
  - (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed;
  - (c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.
- (8) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the <sup>M63</sup>Burial Act 1857 (which prohibits the removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.
- (9) Any power conferred by this paragraph to use land in a manner therein mentioned shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.
- (10) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in sub-paragraph (1) of sub-paragraph (5) above.
- (11) Sub-paragraph (8) of paragraph 6 above shall apply in relation to this paragraph as it applies in relation to that.
- (12) In this paragraph “burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and “monument” includes a tombstone or other memorial.

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- (13) In this paragraph “prescribed” means prescribed by regulations made by the Secretary of State.
- (14) The power to make regulations under this paragraph shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (15) This paragraph shall not apply to Scotland.

#### Marginal Citations

**M63** 1857 c. 81 (17:1).

#### *Churches and burial grounds in Scotland*

- 8.. [F110Section 197 of the 1997 Act]shall have effect in relation to land in Scotland which is required by an urban development corporation or a local highway authority for the purposes of this Part of this Act as it has in relation to land acquired by a planning authority as mentioned in subsection (1) of that section.

#### Textual Amendments

**F110** Words in [Sch. 28 para. 8](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 31\(10\)\(a\)](#)

#### *Open spaces*

- 9 (1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may be used by the corporation or authority, or by any other person, in any manner in accordance with planning permission, notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.
- (2) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit(*or in Scotland at the instance*)of any person on any grounds other than contravention of any such enactment as is mentioned in sub-paragraph (1) above.
- (3) Sub-section (8) of paragraph 6 above shall apply in relation to this paragraph as it applies in relation to that.
- (4) In the application of this paragraph to Scotland, the words “or fuel or field garden allotment” shall be omitted.

#### *Displacement of persons*

- 10 If the Secretary of State certifies that possession of a house which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this part of this Act and is for the time being held by that corporation or authority for the purposes for which it was acquired, is immediately required for those purposes, nothing in the <sup>M64</sup>Rent (Agriculture) Act 1976 or the <sup>M65</sup>Rent



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Act 1977 [<sup>F111</sup>or the Housing Act 1988] or the Rent (Scotland) Acts 1971 to 1975 [<sup>F112</sup>or the <sup>M66</sup>Rent (Scotland) Act 1984 [<sup>F113</sup>or the Housing (Scotland) Act 1988]] shall prevent that corporation or authority from obtaining possession of the house.

#### Textual Amendments

**F111** Words inserted by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(1), **Sch. 17 para. 29**

**F112** Words inserted (S.) by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(1), **Sch. 8 Pt. II**

**F113** Words inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(2), **Sch. 9 para. 2**

#### Marginal Citations

**M64** [1976 c. 80 \(75:3\)](#).

**M65** [1977 c. 42 \(75:3\)](#).

**M66** [1984 c. 58 \(75:4\)](#).

### *Extinguishment of public rights of way*

- 11 (1) Where any land has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act and is for the time being held by that corporation or authority for those purposes, the Secretary of State may by order extinguish any public right of way over the land.
- (2) Where the Secretary of State proposes to make an order under this paragraph, he shall publish in such manner as appears to him to be requisite a notice—
- stating the effect of the order, and
  - specifying the time (not being less than 28 days from the publication of the notice) within which, and the manner in which, objections to the proposal may be made,
- and shall serve a like notice—
- on the district planning authority [<sup>F114</sup>or, in Wales, the local planning authority] (or in Scotland the planning authority [<sup>F115</sup>within the meaning of section 1 of the 1997 Act]) in whose area the land is situated, and
  - on the relevant highway authority.
- In this sub-paragraph “the relevant highway authority” means any authority which is a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority which has applied for the order to be made.
- (3) Where an objection to a proposal to make an order under this paragraph is duly made and is not withdrawn, the provisions of paragraph 12 below shall have effect in relation to the proposal.
- (4) For the purposes of this paragraph an objection to such a proposal shall not be treated as duly made unless—
- it is made within the time and in the manner specified in the notice required by this paragraph, and
  - a statement in writing of the grounds of the objection is comprised in or submitted with the objection.



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- (5) Where it is proposed to make an order under this paragraph extinguishing a public right of way over a road on land acquired for the purposes of this Act by an urban development corporation, and compensation in respect of restrictions imposed under section 1 or 2 of the <sup>M67</sup>Restriction of Ribbon Development Act 1935 in respect of that road has been paid by the highway authority (or, in the case of a trunk road, by the authority which, when the compensation was paid, was the authority for the purposes of section 4 of the <sup>M68</sup>Trunks Roads Act 1936), the order may provide for the payment by the urban development corporation to that authority, in respect of the compensation so paid of such sums as the Secretary of State, with the consent of the Treasury, may determine.
- (6) Where the Secretary of State is satisfied that the construction or improvement of a road is or will be needed in consequence of the extinguishment under this paragraph of a public right of way, section 143 above shall apply as it applies where the Secretary of State is satisfied that the construction or improvement of a road is needed as mentioned in subsection (1) of that section.
- (7) Where the Secretary of State makes an order under this paragraph on the application of an urban development corporation or local highway authority, he shall send a copy of it to the Post Office.

#### Textual Amendments

**F114** Words in Sch. 28 para. 11(2)(b)(i) inserted (1.4.1996) by 1994 c. 19, s. 20(4), Sch. 6 Pt. II para. 16(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1

**F115** Words in Sch. 28 para. 11(2)(b)(i) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(10)(b)

#### Marginal Citations

**M67** 1935 c. 47 (108).

**M68** 1936 c. 5. (1 Edw. 8 & 1 Geo. 6).

- 12 (1) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification, if any, ought to be made.
- (2) Unless the Secretary of State decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the Secretary of State shall, before making a final decision, consider the grounds of the objection as set out in the statement comprised in or submitted with the objection, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- (3) In so far as the Secretary of State, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the Secretary of State may treat the objection as irrelevant for the purpose of making a final decision.
- (4) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the Secretary of State is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to

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which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the Secretary of State may make a final decision without further investigation as to those matters.

- (5) Subject to sub-paragraphs (3) and (4) above, the Secretary of State, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Secretary of State; and if the objector avails himself of that opportunity, the Secretary of State shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, urban development corporation or other person, if any, on whose representation the order is proposed to be made, and to any other persons to whom it appears to the Secretary of State to be expedient to afford such an opportunity.
- (6) Notwithstanding anything in the preceding provisions of this paragraph, if it appears to the Secretary of State that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.

#### *Telegraphic lines*

<sup>F116</sup>13(1) Where an order under paragraph 11 above extinguishing a public right of way is made on the application of an urban development corporation or local highway authority, and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph any telecommunication apparatus was kept installed for the purposes of a telecommunications code system under, in, on, over, along or across the land over which the right of way subsisted—

- (a) the power of the operator of the system to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of the system has given notice to the corporation or authority of his intention to remove the apparatus or that part of it, as the case may be;
- (b) the operator of the system may by notice given in that behalf to the corporation or authority not later than the end of the said period of three months abandon the telecommunication apparatus or any part of it;
- (c) subject to paragraph (b), the operator of the system shall be deemed at the end of that period to have abandoned any part of the apparatus which he has then neither removed nor given notice of his intention to remove;
- (d) the operator of the system shall be entitled to recover from the corporation or authority the expense of providing, in substitution for the apparatus and any other telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any telecommunication apparatus in such other place as the operator may require;
- (e) where under the preceding provisions of this sub-paragraph the operator of the system has abandoned the whole or any part of any telecommunication apparatus, that apparatus or that part of it shall vest in the corporation or

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authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.

- (2) As soon as practicable after the making of an order under paragraph 11 above extinguishing a public right of way in circumstances in which sub-paragraph (1) above applies in relation to the operator of any telecommunications code system, the Secretary of State shall give notice to the operator of the making of the order.]

#### Textual Amendments

**F116** Para. 13 substituted by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 4 para. 75(4)(5), Sch. 5 para. 45

#### *Statutory undertakers*

- 14 (1) Where any land has been acquired by an urban development corporation under section 142 above and—
- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land; or
  - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, the corporation, if satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus, is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice stating that, at the end of the period of 28 days from the date of service of the notice or such longer period as may be specified therein, the right will be extinguished or requiring that, before the end of that period, the apparatus shall be removed.
- (2) The statutory undertakers on whom a notice is served under sub-paragraph (1) above may, before the end of the period of 28 days from the service of the notice, serve a counter-notice on the corporation stating that they object to all or any provisions of the notice and specifying the grounds of their objection.
- (3) If no counter-notice is served under sub-paragraph (2) above—
- (a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the corporation may remove the apparatus and dispose of it in any way it may think fit.
- (4) If a counter-notice is served under sub-paragraph (2) above on a corporation, the corporation may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph embodying the provisions of the notice with or without modification.
- (5) Where by virtue of this paragraph any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the corporation.

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(6) [F117 Sections 280 and 282 of the 1990 Act] or as the case may be [F118 sections 233 and 235 of the 1997 Act] (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (5) above as they apply to compensation under [F117 section 279(2) of the 1990 Act], or as the case may be [F118 section 232(4) of the 1997 Act].

[F119 (7) Except in a case in which paragraph 13 above has effect—

- (a) the reference in paragraph (a) of sub-paragraph (1) above to a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system; and
- (b) the reference in paragraph (b) of that sub-paragraph to apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to telecommunication apparatus kept installed for the purposes of any such system;

and for the purposes of this sub-paragraph, in this paragraph (except the said paragraphs (a) and (b)) and in paragraph 15 below, references to statutory undertakers shall have effect as references to the operator of any such system and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.]

#### Textual Amendments

**F117** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(11\)\(a\)](#)

**F118** Words in [Sch. 28 para. 14\(6\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 31\(10\)\(c\)](#)

**F119** [Para. 14\(7\)](#) substituted for [para 14\(7\)\(8\)](#) by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 109, Sch. 4 para. 75\(6\), Sch. 5 para. 45](#)

- 15 (1) Before making an order under paragraph 14(4) above the Ministers proposing to make the order—
- (a) shall afford to the statutory undertakers on whom notice was served under paragraph 14(1) above an opportunity of objecting to the application for the order; and
  - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the corporation on whom the counter-notice was served, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose,
- and may then, if they think fit, make the order in accordance with the application either with or without modification.
- (2) Where an order is made under paragraph 14(4) above—
- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
  - (b) if, at the end of the period so specified in relation to any apparatus, and requirement of the order as to the removal of the apparatus has not been complied with, the corporation may remove the apparatus and dispose of it in any way it may think fit.

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- 16 (1) Subject to this paragraph, where any land has been acquired by an urban development corporation under section 142 above and—
- (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers; and
  - (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,
- the undertakers may serve on the corporation a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.
- (2) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land is begun to be carried out, no notice under this paragraph shall be served later than 21 days after the beginning of the development.
  - (3) Where a notice is served under this paragraph, the corporation on which it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice stating that it objects to all or any of the provisions of the notice and specifying the grounds of its objection.
  - (4) If no counter-notice is served under sub-paragraph (3) above, the statutory undertakers shall, after the end of the said period of 28 days, have the rights claimed in their notice.
  - (5) If a counter-notice is served under sub-paragraph (3) above, the statutory undertakers who served the notice under this paragraph may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.
  - (6) Where by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the corporation for the works to be carried out by the corporation, under the superintendence of the undertakers, instead of by the undertakers themselves.
  - (7) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the corporation.
  - (8) [<sup>F120</sup>Sections 280 and 282 of the 1990 Act] or as the case may be [<sup>F121</sup>sections 233 and 235 of the 1997 Act](measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (7) above as they apply to compensation under [<sup>F120</sup>section 279(4) of the 1990 Act] or, as the case may be, [<sup>F121</sup>section 232(4) of the 1997 Act].
  - (9) [<sup>F122</sup>In sub-paragraph (1)(a) above, the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to telecommunication apparatus kept installed for the purposes of a telecommunications code system; and for the purposes of this sub-paragraph, in this paragraph references (except in the said sub-paragraph (1)(a) to statutory undertakers shall have effect as references to the

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operator of any such system and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.]

#### Textual Amendments

**F120** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(1\)\(b\)](#)

**F121** Words in [Sch. 28 para. 16\(8\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 31\(10\)\(d\)](#)

**F122** [Para. 16\(9\)](#) inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 109, Sch. 4 para. 75\(7\), Sch. 5 para. 45](#)

- 17 (1) The powers conferred by this paragraph shall be exercisable where, on a representation made by statutory undertakers, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified, in order—
- (a) to secure the provision for an urban development area of services which would not otherwise be provided, or which would not otherwise be satisfactorily provided, or
  - (b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in sub-paragraph (2) below.
- (2) The said acts and events are—
- (a) the acquisition under this Part of this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers in question;
  - (b) the extinguishment of a right or the imposition of any requirements by virtue of paragraph 14 above.
- (3) The powers conferred by this paragraph shall also be exercisable where, on a representation made by an urban development corporation, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified, in order to secure the provision of new services, or the extension of existing services, for the purposes of an urban development area under this Part of this Act.
- (4) Where the powers conferred by this paragraph are exercisable, the Secretary of State and the appropriate Minister may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order to secure the provision of the services in question, as mentioned in sub-paragraph (1)(a) or (3) above, or to secure the adjustment in question, as mentioned in sub-paragraph (1)(b) above, as the case may be.
- (5) Without prejudice to the generality of sub-paragraph (4) above, an order under this paragraph may make provision—
- (a) for empowering the statutory undertakers to acquire (whether compulsorily or by agreement) any land specified in the order, and to erect or construct any buildings or works so specified;
  - (b) for applying, in relation to the acquisition of any such land or the construction of any such works, enactments relating to the acquisition of land and the construction of works;
  - (c) where it has been represented that the making of the order is expedient for the purposes mentioned in sub-paragraph (1)(a) or (3) above, for giving effect to such financial arrangements between the urban development corporation and

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- the statutory undertakers as they may agree, or as, in default of agreement, may be determined to be equitable in such manner and by such tribunal as may be specified in the order;
- (d) for such incidental and supplemental matters as appear to the Secretary of State and the appropriate Minister to be expedient for the purposes of the order.
- 18 (1) As soon as may be after making such a representation as is mentioned in sub-paragraph (1) or (3) of paragraph 17 above—
- (a) the statutory undertakers, in a case falling within sub-paragraph (1); or
- (b) the urban development corporation, in a case falling within sub-paragraph (3),
- shall publish, in such form and manner as may be directed by the Secretary of State and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Secretary of State and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.
- (2) Orders under paragraph 17 above shall be subject to special parliamentary procedure.
- 19 (1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligations incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this sub-paragraph applies, the appropriate Minister may, if he thinks fit, by order direct that the statutory undertakers shall be relieved of the fulfilment of that obligation, either absolutely or to such extent as may be specified in the order.
- (2) Sub-paragraph (1) above applies to the following acts and events:—
- (a) the compulsory acquisition under the Part of this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers;
- (b) the extinguishment of a right or the imposition of any requirement by virtue of paragraph 14 above.
- (3) As soon as may be after making a representation to the appropriate Minister under sub-paragraph (1) above, the appropriate statutory undertakers shall, as may be directed by the appropriate Minister, either publish (in such form and manner as may be so directed) a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.
- (4) If any objection to the making of an order under this paragraph is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.
- (5) Immediately after an order is made under this paragraph by the appropriate Minister, he shall publish a notice stating that the order has been made and naming a place where a copy of it may be seen at all reasonable hours, and shall serve a like notice—

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- (a) on any person who duly made an objection to the order and has sent to the appropriate Minister a request in writing to serve him with the notice required by this sub-paragraph, specifying an address for service, and
    - (b) on such other persons (if any) as the appropriate Minister thinks fit.
  - (6) Subject to the following provisions of this paragraph, an order under this paragraph shall become operative on the date on which the notice required by sub-paragraph (5) above is first published.
  - (7) Where in accordance with sub-paragraph (4) above the order is subject to special parliamentary procedure, sub-paragraph (6) above shall not apply.
  - (8) If any person aggrieved by an order under this paragraph wishes to question the validity of the order on the ground that it is not within the powers conferred by this paragraph, or that any requirement of this paragraph has not been complied with in relation to the order, he may, within six weeks from the date on which the notice required by sub-paragraph (5) above is first published, make an application to the High Court (or in Scotland the Court of Session) under this paragraph.
  - (9) On any application under sub-paragraph (8) above the High Court (or the Court of Session)—
    - (a) may by interim order wholly or in part suspend the operation of the order, 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 order is wholly or to any extent outside the powers conferred by this paragraph, or that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of this paragraph, may wholly or in part quash the order, either generally or in so far as it affects any property of the applicant.
  - (10) Subject to sub-paragraph (8) above, the validity of an order under this paragraph shall not be questioned in any legal proceedings whatsoever, either before or after the order has been made.
- 20
- (1) For the purposes of paragraphs 17 and 19 above, an objection to the making of an order thereunder shall not be treated as duly made unless—
    - (a) the objection is made within the time and in the manner specified in the notice required by paragraph 18 or (as the case may be) 19 above; and
    - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
  - (2) Where an objection to the making of such an order is duly made in accordance with sub-paragraph (1) above and is not withdrawn, the following provisions of this paragraph shall have effect in relation thereto; but, in the application of those provisions to an order under paragraph 17 above, any reference to the appropriate Minister shall be construed as a reference to the Secretary of State and the appropriate Minister.
  - (3) Unless the appropriate Minister decides apart from the objection not to make an order, or decides to make a modification which is agreed to by the objector as meeting the objection, the appropriate Minister, before making a final decision, shall consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.



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- (4) In so far as the appropriate Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision.
- (5) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the appropriate Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the appropriate Minister may make a final decision without further investigation as to those matters.
- (6) Subject to sub-paragraphs (4) and (5) above, the appropriate Minister, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the appropriate Minister; and if the objector avails himself of that opportunity, the appropriate Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, local authority or Minister on whose representation the order is proposed to be made, and to any other persons to whom it appears to the appropriate Minister to be expedient to afford such an opportunity.
- (7) Notwithstanding anything in the preceding provisions of this paragraph, if it appears to the appropriate Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.
- (8) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification (if any) ought to be made.

## PART IV

### ACQUISITION OF RIGHTS

#### *General*

- 21 (1) [<sup>F123</sup>The 1946 Act and] the <sup>M69</sup>Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights by virtue of section 142(4) above as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.
- (2) Without prejudice to the generality of sub-paragraph (1) above, in relation to the purchase of rights in pursuance of section 143(4) above—
  - (a) [<sup>F124</sup>Part III of Schedule 1 to the 1946 Act (which provides for special parliamentary procedure in the case of the purchase of land of certain descriptions) shall have effect with the adaptations specified in paragraph 22 below:]

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- (b) Part I of the said Act of 1965 (which relates to compulsory purchases under the 1946 Act) shall have effect with the modifications specified in paragraph 23 below; and
- (c) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

#### Textual Amendments

**F123** Words repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

**F124** Para. 21(2)(a) repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

#### Marginal Citations

**M69** 1965 c. 56 (28:1).

<sup>F125</sup>22 .....

#### Textual Amendments

**F125** Sch. 20 para. 3, Sch. 21 para. 14, Sch. 28 Pt. IV para. 22 repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

#### *Adaptation of Part I of 1965 Act*

- 23 (1) In the <sup>M70</sup>Compulsory Purchase Act 1965 (hereafter in this Part of this Schedule referred to as “the Act”) for section 7 (which relates to compensation) there shall be substituted the following—
- “7 (1) In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent, if any, to which the value of the land over which the right is purchased is depreciated by the purchase but also to the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.
- (2) The modifications subject to which subsection (1) of section 44 of the <sup>M71</sup>Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words “land is acquired or taken” there shall be substituted the words “ a right over land is purchased ” and for the words “acquired or taken from him” there shall be substituted the words “ over which the right is exercisable ””.
- (2) For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following—
- “8 (1) Where in consequence of the service on a person in pursuance of section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as “the relevant land”)—

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- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as “the Tribunal”); and
  - (b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—
    - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land, or
    - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs, the compulsory purchase order to which the notice to treat relates shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.
- (2) Any question as to the extent of the land in which a compulsory purchase order is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.
- (3) Where in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section a compulsory purchase order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.
- (4) The modifications subject to which subsection (1) of section 58 of the <sup>M72</sup>Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words “a right over”, for the word “severance” there shall be substituted the words “right on the whole of the house, building or manufactory or of the house and the park or garden ” and for the words “part proposed” and “part is” there shall be substituted respectively the words “right proposed ” and “right is ””
- (3) The following provisions of the Act (which state the effect of a deed poll executed in various circumstances, where there is no conveyance by persons with interests in the land), namely—
- section 9(4) (failure of owners to convey);
  - paragraph 10(3) of Schedule 1 (owners under incapacity);
  - paragraph 2(3) of Schedule 2 (absent and untraced owners); and
  - paragraphs 2(3) and 7(2) of Schedule 4 (common land),

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shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.

- (4) Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.
- (5) Section 20 of the Act (compensation for short-term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.
- (6) Section 22 of the Act (protection of acquiring authority's possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.

#### Marginal Citations

**M70** 1965 c. 56.

**M71** 1973 c. 26 (28:1).

**M72** 1973 c. 26 (28:1).

## SCHEDULE 29

Section 149.

### PLANNING FUNCTIONS OF URBAN DEVELOPMENT CORPORATIONS— ENGLAND AND WALES

#### PART I

#### Enactments referred to in Section 149(3)(a)

[<sup>F126</sup>Sections [<sup>F127</sup>171C,] 172, 173, [<sup>F127</sup>173A,] 178, 183, 184, [<sup>F128</sup>187A,][<sup>F127</sup> 187B,] 188, [<sup>F127</sup>196A to 196C] 197, 198, 199, 201, 206, 207, 209, 211, 213 to 215, 219, 220 and 224 [<sup>F127</sup>324(1)(b) and (c) and (7)] of the 1990 Act.

#### Textual Amendments

**F126** Words substituted as provided by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(12\)](#)

**F127** Words in [Sch. 29 Pt. I](#) inserted (E.W.) (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7, para. 5 \(with s. 84\(5\)\); S.I. 1991/2905, art. 3, Sch. 1.](#)

*Status: Point in time view as at 11/09/1998.*

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**F128** Words in [Sch. 29 Pt. I](#) inserted (E.W.) (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(2), [Sch. 7](#), para. 5 (with s. 84(5)); S.I. 1992/1630, art. 2, [Sch.1](#).

Sections 3, 4, 8, 10, 11, 13 to 16, 20, 23 to 25, 38, 42, [<sup>F129</sup>44A,] 47, 48, 50, 53, 54, 60, 69 to 72, 74, 75 and 82 [<sup>F129</sup>88 and 88A] of the Planning (Listed Buildings and Conservation Areas) Act 1990.]

#### Textual Amendments

**F129** Words in [Sch. 29 Pt. I](#) inserted (E.W.) (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3, Pt. II](#), para. 17 (with s. 84(5)); S.I. 1991/2905, [art. 3](#).

## PART II

### ENACTMENTS REFERRED TO IN SECTION 149(3)(B)

An order made by virtue of section 149(3)(b) may make the following modifications in relation to the urban development corporation specified in the order and to land in that corporation's area:—

- [<sup>F130</sup>1 Section 139 of the 1990 Act shall have effect as if after the word "undertakers" there were inserted—
- (a) in paragraph (b) of subsection (1) the words "or an urban development corporation";
  - (b) in paragraph (c) of that subsection, the words "or any urban development corporation"; and
  - (c) in subsection (3), the words "or urban development corporation".
- 2 Section 140(2)(d) of that Act shall have effect as if after the word "undertakers" there were inserted the words "or an urban development corporation".
- 3 Section 141(4) of that Act shall have effect as if after the word "undertakers" there were inserted the words "or an urban development corporation".
- 4 Section 143(1)(b) of that Act shall have effect as if—
- (a) after the word "undertakers" in the first place where it occurs, there were inserted the words "or an urban development corporation"; and
  - (b) after that word, in the second place where it occurs, there were inserted the words "or that corporation".
- 5 The definition of "relevant provisions" in section 148 of that Act shall have effect as if after the word "unndertaking" there were added the words "or, in the case of an urban development corporation, section 142 of the Local Government, Planning and Land Act 1980."
- 6 Section 249 of that Act shall have effect as if—
- (a) in subsection (1) after the word "applies" there were inserted the words "subject to subsection (1A)"; and
  - (b) the following subsection were inserted after that subsection—
- (") Any reference in this section and in section 250 to a local planning authority is to be construed as including a reference to an urban development corporation."

*Status: Point in time view as at 11/09/1998.*

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- 7 Section 251 of that Act shall have effect as if—
- (a) in subsection (1), for the word “Where” there were substituted the words “Subject to subsection (1A), where”; and
  - (b) the following subsection was inserted after that subsection—
- (") Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area, the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required."
- 8 Section 258 of that Act shall have effect as if—
- (a) in subsection (1), for the word “Where” there were substituted the words “Subject to subsection (1A), where”; and
  - (b) the following subsection were inserted after that subsection—
- (") Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area, then, subject to section 259, the urban development corporation may by order extinguish any public right of way across the land being a footpath or bridleway, if they are satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required."
- 9 Section 330 of that Act shall have effect as if—
- (a) after the words “local authority” in the first place where they occur in subsection (1), there were inserted the words “or an urban development corporation”; and
  - (b) after those words, in the second place where they occur in subsection (1) and in subsection (3), there were inserted the words “or corporation”.
- 10 Section 33 of the Planning (Listed Buildings and Conservation Areas) Act 1990 shall have effect as if—
- (a) in subsection (1)(b) after the word “undertakers” there were inserted the words “or an urban development corporation”;
  - (b) in subsection (1)(c), after the word “undertakers” there were inserted the words “or an urban development corporation”;
  - (c) in subsection (3), after the word “undertakers” there were inserted the words “or corporation”.
- 11 Section 34(2)(d) of that Act shall have effect as if after the word “undertakers” there were inserted the words “or an urban development corporation”.
- 12 Section 35(6) of that Act shall have effect as if after the word “undertakers” there were inserted the words “or an urban development corporation”.
- 13 Section 36(4) of that Act shall have effect as if after the word “undertakers” in the first place where it occurs there were inserted the words “or an urban development corporation” and in the second place where it occurs there were inserted the words “or that corporation”.
- 14 Section 91(2) of that Act shall have effect as if the words “urban development corporation” were inserted at the appropriate place.”]

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#### Textual Amendments

**F130** Sch. 29 Pt. II paras. 1–14 substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**

## SCHEDULE 30

Section 149

### PLANNING FUNCTIONS OF URBAN DEVELOPMENT CORPORATIONS–SCOTLAND

#### PART I

##### ENACTMENTS REFERRED TO IN SECTION 149(8)(A)

[<sup>F131</sup>Sections 125, 127 to 129, 135, 140, 141, 147, 159 to 161, 163, 167, 168, 170, 172, 174, 175, 179, 182 and 186 of the 1997 Act.

#### Textual Amendments

**F131** Words in Sch. 30 Pt. I substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(11)**

Sections 3, 4, 7, 9, 12 to 14, 20 to 24, 34, 38, 42, 43, 45, 48(1), 49, 61 to 64, 66, 73(2) to (4) and 77 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.]

#### PART II

##### ENACTMENTS REFERRED TO IN SECTION 149(8)(B)

An order made by virtue of section 149(7)(b) may make the following modifications in relation to the urban development corporation specified in the order and to land in that corporation's area:—

- [<sup>F132</sup> Section 90 of the 1997 Act shall have effect as if after “undertakers” there were inserted—
- (a) in subsection (1)(b), “or an urban development corporation”;
  - (b) in subsection (1)(c), “or any urban development corporation”; and
  - (c) in subsection (3), “or urban development corporation”.]

#### Textual Amendments

**F132** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(12)**

- [<sup>F133</sup>2 Section 91(2)(c) of that Act shall have effect as if, after “undertakers”, there were inserted “or an urban development corporation”.]

*Status: Point in time view as at 11/09/1998.*

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**Textual Amendments**

**F133** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

[<sup>F134</sup> Section 92(4) of that Act shall have effect as if, after “undertakers” in the first and second places where it occurs, there were inserted respectively “or an urban development corporation” and “or that corporation”.]

**Textual Amendments**

**F134** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

[<sup>F135</sup> Section 94(1)(b) of that Act shall have effect as if, after “undertakers” in the first and second places where it occurs, there were inserted respectively “or an urban development corporation” and “or that corporation”.]

**Textual Amendments**

**F135** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

[<sup>F136</sup> The definition of “relevant provisions” in section 99 of that Act shall have effect as if, after “undertaking”, there were added “or, in the case of an urban development corporation, section 142 of the Local Government, Planning and Land Act 1980”.]

**Textual Amendments**

**F136** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

[<sup>F137</sup> Section 203 of that Act shall have effect as if—

(a) in subsection (1), after “applies” there were inserted “subject to subsection (1A)”; and

(b) the following subsection were inserted after that subsection—

(“) Any reference in this section and in section 203 to a competent authority is to be construed as including a reference to an urban development corporation.”]

**Textual Amendments**

**F137** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

[<sup>F138</sup> Section 205 of that Act shall have effect as if, after “authorities”, there were inserted “and, in an urban development area, the urban development corporation”.]



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#### Textual Amendments

**F138** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

- [<sup>F139</sup>8 Section 206 of that Act shall have effect as if—
- (a) in subsection (1), for “Where” there were substituted “Subject to subsection (1A), where”; and
  - (b) the following subsection were inserted after that subsection—
- (") Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area—
- (a) the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required;
  - (b) subject to paragraphs 4 and 5 of Schedule 16 to this Act, the urban development corporation may by order extinguish any such right over the land, being a footpath or bridleway, if they are so satisfied."]

#### Textual Amendments

**F139** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

- [<sup>F140</sup>9 Section 272 of that Act shall have effect as if, in subsection (1), after “local authority” there were inserted “or an urban development corporation”.]

#### Textual Amendments

**F140** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

- <sup>F141</sup>10 Section 29 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 shall have effect as if—
- (a) in subsection (1)(b) and (c), after “undertakers” there were inserted “or an urban development corporation”; and
  - (b) in subsection (3), after “undertakers” there were inserted “or corporation”.

#### Textual Amendments

**F141** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

- <sup>F142</sup>11 Section 30 of that Act shall have effect as if—
- (a) in subsection (2)(c), after “undertakers” there were inserted “or an urban development corporation”; and
  - (b) in each of subsections (3), (4) and (5), after “undertakers” there were inserted “or corporation”.

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**Textual Amendments**

**F142** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

<sup>F143</sup>12 Section 31(6) of that Act shall have effect as if after “undertakers” there were inserted “or an urban development corporation”.

**Textual Amendments**

**F143** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

<sup>F144</sup>13 Section 32(4) of that Act shall have effect as if after “undertakers” in the first and second places where it occurs there were inserted respectively “or an urban development corporation” and “or that corporation”.

**Textual Amendments**

**F144** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

[<sup>F145</sup>14 Section 81(2) of that Act shall have effect as if “urban development corporation” were inserted in the appropriate place.]

**Textual Amendments**

**F145** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

SCHEDULE 31

Section 164.

URBAN DEVELOPMENT CORPORATIONS: FINANCE ETC.

**PART I**

PRELIMINARY

- 1 (1) References in this Schedule to a corporation are to an urban development corporation.
- (2) The financial year of a corporation shall begin with 1 April and references to a financial year in relation to a corporation shall be construed accordingly.

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## PART II

### FINANCE

#### *Financial duties*

- 2 (1) After consultation with a corporation, the Secretary of State may, with the Treasury's approval, determine the financial duties of the corporation, and different determinations may be made in relation to different corporations or for different functions and activities of the same corporation.
- (2) The Secretary of State shall give the corporation notice of every determination, and a determination may—
- (a) relate to a period beginning before the date on which it is made;
  - (b) contain incidental or supplementary provisions;
  - (c) be varied by a subsequent determination.

#### *Government grants*

- 3 (1) The Secretary of State may (out of money provided by Parliament and with the Treasury's consent) pay to a corporation, in respect of the exercise of its functions and in respect of its administrative expenses, such sums as he may (with the Treasury's approval) determine.
- (2) The payment may be made on such terms as the Secretary of State (with the Treasury's approval) provides.

#### *Borrowing*

- 4 (1) A corporation may borrow temporarily, by way of overdraft or otherwise, such sums as it may require for meeting its obligations and discharging its functions—
- (a) in sterling from the Secretary of State, or
  - (b) with the consent of the Secretary of State, or in accordance with any general authority given by the Secretary of State, either in sterling or in a currency other than sterling from a person other than the Secretary of State.
- (2) A corporation may borrow otherwise than by way of temporary loan such sums as the corporation may require—
- (a) in sterling from the Secretary of State, or
  - (b) with the consent of the Secretary of State, in a currency other than sterling from a person other than the Secretary of State.
- (3) The Secretary of State may lend to a corporation any sums it has power to borrow from him sub-paragraph (1) or (2) above.
- (4) The Treasury may issue to the Secretary of State out of the National Loans Fund any sums necessary to enable him to make loans under sub-paragraph (3) above.
- (5) Loans made under sub-paragraph (3) above shall be repaid to the Secretary of State at such times and by such methods, and interest on the loans shall be paid to him at such times and at such rates, as he may determine.
- (6) All sums received by the Secretary of State under sub-paragraph (5) above shall be paid into the National Loans Fund.

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- (7) References in this paragraph to the Secretary of State are references to him acting with the Treasury's approval.

#### *Guarantees*

- 5 (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of [<sup>F146</sup>the payment of interest on and the discharge of any other financial obligation in connection with] any sums which a corporation borrows from a person or body other than the Secretary of State.
- (2) Immediately after a guarantee is given under this paragraph, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given, the Treasury shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the corporation shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rates as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

#### **Textual Amendments**

**F146** Words substituted by virtue of [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

#### *Assumed debt*

- 6 (1) On any acquisition to which this paragraph applies, a corporation shall assume a debt to the Secretary of State of such amount as may be notified to the corporation in writing by him, with the Treasury's approval.
- (2) This paragraph applies to any acquisition by the corporation of property held—
- (a) by or on behalf of the Crown, or
  - (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company.
- (3) Subject to sub-paragraph (4) below, the amount to be notified is the aggregate of the following:—
- (a) the consideration given when the property was first brought into public ownership, and

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- (b) the costs and expenses of and incidental to its being brought into public ownership.
- (4) If it appears to the Secretary of State that there has been such a change in circumstances since the property was first brought into public ownership that its true value would not be reflected by reference to the consideration mentioned in sub-paragraph (3) above, the Secretary of State, with the Treasury's approval, shall determine the amount to be notified.
- (5) The rate of interest payable on the debt assumed by a corporation under this paragraph, and the date from which interest is to begin to accrue, the arrangements for paying off the principal, and the other terms of the debt shall be such as the Secretary of State, with the Treasury's approval, may from time to time determine.
- (6) Different rates and dates may be determined under sub-paragraph (5) above with respect to different portions of the debt.
- (7) Any sums received by the Secretary of State under sub-paragraph (5) above shall be paid into the National Loans Fund.

#### *Surplus funds*

- 7 (1) Where it appears to the Secretary of State, after consultation with the Treasury and the corporation, that a corporation has a surplus, whether on capital or on revenue account, after making allowance by way of transfer to reserve or otherwise for its future requirements, the corporation shall, if the Secretary of State with the approval of the Treasury and after consultation with the corporation so directs, pay to the Secretary of State such sum not exceeding the amount of that surplus as may be specified in the direction.
- (2) Any sum received by the Secretary of State under this paragraph shall, subject to sub-paragraph (4) below, be paid into the Consolidated Fund.
- (3) The whole or part of any payment made to the Secretary of State by a corporation under sub-paragraph (1) above shall, if the Secretary of State with the Treasury's approval so determines, be treated as made by way of repayment of such part of the principal of loans under paragraph 4(3) above, and as made in respect of the repayments due at such times, as may be so determined.
- (4) Any sum treated under sub-paragraph (3) above as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund.

#### *Financial limits*

- [<sup>F1478</sup>] (1) The aggregate amount of the sums mentioned in sub-paragraph (2) below shall not exceed £30 million or such greater sum not exceeding £100 million as the Secretary of State may by order made by statutory instrument specify.
- (2) The sums are—
  - (a) sums borrowed by all corporations under paragraph 4 above minus repayments made in respect of those sums; and
  - (b) sums issued by the Treasury in fulfilment of guarantees under paragraph 5 above of debts of all corporations.

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- (3) No order under sub-paragraph (1) above shall have effect until approved by a resolution of the House of Commons.]

**Textual Amendments**

**F147** Para. 8 substituted by [Urban Development Corporations \(Financial Limits\) Act 1987 \(c. 57, SIF 123:1, 2\), s. 1\(1\)](#)

**Modifications etc. (not altering text)**

**C46** [Sch. 31 para. 8](#): transfer of certain functions (1.7.1999) by [S.I. 1999/672, art. 5, Sch. 2](#)

*Grants and loans: accounts*

- 9 (1) The Secretary of State shall prepare in respect of each financial year an account—
- (a) of the sums paid to corporations under paragraph 3 above,
  - (b) of the sums issued to him under paragraph 4(4) above and the sums received by him under paragraph 4(5) above and the disposal by him of those sums, and
  - (c) of the sums paid into the Consolidated Fund or National Loans Fund under paragraph 7 above.
- (2) The Secretary of State shall send the account to the Comptroller and Auditor General before the end of the month of November next following the end of that year.
- (3) The Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.
- (4) The form of the account and the manner of preparing it shall be such as the Treasury may direct.

**PART III**

GENERAL ACCOUNTS ETC.

*Accounts*

10

—

- (1) A corporation shall keep proper accounts and other records in relation to them.
- (2) The accounts and records shall show, in respect of the financial year to which they relate, a true and fair view of the corporation's activities.
- (3) A corporation shall prepare in respect of each financial year a statement of accounts complying with any requirement which the Secretary of State has (with the Treasury's consent) notified in writing to the corporation relating to—
  - (a) the information to be contained in the statement;
  - (b) the manner in which the information is to be presented; and
  - (c) the methods and principles according to which the statement is to be prepared.

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- (4) Subject to any requirement notified to be corporation under sub-paragraph (3) above, in preparing any statement of accounts in accordance with that sub-paragraph the corporation shall follow, with respect to each of the matters specified in paragraphs (a) to (c) of that sub-paragraph, such course as may for the time being be approved by the Secretary of State with the Treasury's consent.

#### *Audit*

- 11 (1) The corporation's accounts and statements of accounts shall be audited by an auditor to be appointed annually by the Secretary of State in relation to the corporation.
- [<sup>F148</sup>(2) A person shall not be appointed under sub-paragraph (1) unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]
- (3) A person shall not be qualified for appointment under sub-paragraph (1) above if the person is—
- (a) a member, officer or servant of the corporation, [<sup>F149</sup>; or]
  - (b) a partner of, or employed by, a member, officer or servant of the corporation, or
  - [<sup>F150</sup>(c) a body corporate of which a member, officer or servant of the corporation is a director or officer.]

#### **Textual Amendments**

**F148** Sch. 31, para. 11(2) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, Sch. para. 37(a) (with reg. 4)

**F149** Word in Sch. 31, para. 11(3)(a) added (1.10.1991) by S.I. 1991/1997, reg. 2, Sch. para. 37(b)(i) (with reg. 4)

**F150** Sch. 31, para. 11(3)(c) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, Sch. para. 37(b)(ii) (with reg. 4)

#### *Transmission to Secretary of State*

- 12 As soon as the accounts and statement of accounts of the corporation for any financial year have been audited, the corporation shall send to the Secretary of State a copy of the statement, together with a copy of any report made by the auditor on the statement or on the accounts.

#### *Reports*

- 13 (1) As soon as possible after the end of each financial year, a corporation shall make to the Secretary of State a report dealing generally with the corporation's operations during the year, and shall include in the report a copy of its audited statement of accounts of that year.
- (2) Without prejudice to the generality of sub-paragraph (1) above, a report under this paragraph shall deal with the operation during the year of the corporation's arrangements for consultation about the exercise of its powers with local authorities the whole or any part of whose area is included in the urban development area.
- (3) The Secretary of State shall lay a copy of the report before each House of Parliament.

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### *Information*

- 14 Without prejudice to paragraph 13 above, a corporation shall provide the Secretary of State with such information relating to its undertaking as he may require, and for that purpose shall permit any person authorised by the Secretary of State to inspect and make copies of the accounts, books, documents or papers of the corporation and shall afford such explanation of them as that person or the Secretary of State may reasonably require.

## SCHEDULE 32

Section 179.

### ENTERPRISE ZONES

#### PART I

#### DESIGNATION OF ZONES

##### *Invitation to prepare scheme*

- 1 (1) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to England and Wales:—
- (a) a district council;
  - [<sup>F151</sup>(aa) the council of a Welsh county or county borough;]
  - (b) a London borough council;
  - (c) a new town corporation;
  - (d) an urban development corporation.
- (2) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to Scotland:—
- (a) a district or general planning authority within the meaning of section 172(4) of the 1973 Act;
  - (b) a new town corporation;
  - (c) an urban development corporation.
- (3) The Secretary of State may invite any of the bodies to prepare a scheme relating to the development of an area falling within the district [<sup>F152</sup>county, county borough], borough, district or general planning authority area, new town area or urban development area (as the case may be) and send the scheme to him in accordance with this Schedule.
- (4) The invitation shall be made with a view to the designation as an enterprise zone of the area for which the scheme may be prepared.
- (5) The invitation—
- (a) shall specify the area for which the scheme may be prepared;
  - (b) may contain directions as to the drawing up of the scheme (in particular, as to its form or content or any consultations to be made).
- (6) The invitation may specify an area in which publicity is to be given under paragraph 2(2)(b) below.



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(7) In this paragraph—

“new town area” means an area designated as the site of a new town by an order under section 1 of the [<sup>F153M73</sup>New Towns Act 1981] or section 1 of the <sup>M74</sup>New Towns (Scotland) Act 1968;

“new town corporation” means a development corporation established under either of those Acts;

“urban development area” means an area designated as such under this Act;

“urban development corporation” means a corporation established as such under this Act.

#### Textual Amendments

**F151** Sch. 32 para. 1(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(9)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F152** Words in Sch. 32 para. 1(3) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(9)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F153** Words substituted by **New Towns Act 1981** (c. 64, SIF 123:3), s. 81, **Sch. 12 para. 28(e)**

#### Marginal Citations

**M73** 1981 c. 64 (123:3).

**M74** 1968 c. 16 (123:4).

- 2 (1) A body which receives an invitation may prepare a scheme in draft in accordance with the terms of the invitation.
- (2) If it prepares a scheme under sub-paragraph (1) above, it shall take such steps as will in its opinion secure—
- (a) that—
- (i) if the area for which the scheme is to be prepared is within Greater London, adequate publicity is given to its provisions in Greater London;
- (ii) if the area for which the scheme is to be prepared is in England <sup>F154</sup>... but outside Greater London, adequate publicity is given to its provisions in the county in which the area is situated;
- [<sup>F155</sup>(ia) if the area for which the scheme is to be prepared is in Wales, adequate publicity is given to its provisions in the county or county borough in which the area is situated;] and
- (iii) if the area for which the scheme is to be prepared is in Scotland, adequate publicity is given to its provisions in the region in which the area is situated; and
- (b) that adequate publicity is also given to the provisions of the scheme in any area specified under paragraph 1(6) above;
- (c) that persons who may be expected to want to make representations to the body with respect to the provisions are made aware that they are entitled to do so; and
- (d) that such persons are given an adequate opportunity of making such representations within a period specified by the body (the specified period).
- (3) The body shall consider any representation—

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- (a) which is made to it within the specified period, and
- (b) which is made on the ground that all or part of the development specified in the scheme should not be granted planning permission in accordance with the terms of the scheme.

#### Textual Amendments

**F154** Words in Sch. 32 para. 2(2)(a)(ii) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 59(9)(c), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

**F155** Sch. 32 para. 2(2)(a)(iia) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 59(9)(c) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

#### *Adoption of scheme*

- 3 (1) After the expiry of the specified period or, if any representations falling within paragraph 2(3) above have been made, after considering them, the body may adopt the scheme by resolution.
- (2) The scheme adopted may be the scheme prepared in draft or, subject to sub-paragraph (3) below, that scheme as modified to take account of any such representation or any matter arising out of the representation.
- (3) A scheme may not be modified in any way inconsistent with the Secretary of State's invitation under paragraph 1 above.
- (4) As soon as practicable after adopting a scheme under this Schedule, the body shall—
  - (a) send a copy of the scheme to the Secretary of State,
  - (b) deposit a copy of the scheme at its principal office, and
  - (c) publish an advertisement in accordance with sub-paragraphs (7) and (8) below.
- (5) Any member of the public may inspect the copy so deposited, and make copies of or extracts from it, at any reasonable time without payment.
- (6) The body shall make available copies of the scheme, at a reasonable cost, to any member of the public.
- (7) The advertisement shall contain—
  - (a) a statement that the scheme has been adopted;
  - (b) a statement that a copy of the scheme can be inspected without payment;
  - (c) a statement of the address where and times when it can be inspected; and
  - (d) a statement that, if the Secretary of State makes an order designating the area to which the scheme relates as an enterprise zone, the order will have effect to grant planning permission in accordance with the scheme.
- (8) The advertisement shall be published—
  - (a) in the London Gazette or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and
  - (b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

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#### *Questioning scheme's validity*

- 4 (1) If a person is aggrieved by a scheme adopted by a body under this Schedule and he wishes to question its validity on the ground that it is not within the powers conferred by this Schedule, or that any requirement of this Schedule has not been complied with, he may within the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above make an application under this paragraph to the High Court or, if the scheme relates to an area in Scotland, the Court of Session.
- (2) On such an application the High Court or the Court of Session, if satisfied—
- (a) that the scheme is wholly or to any extent outside the powers conferred by this Schedule, or
  - (b) that the interests of the applicant would be substantially prejudiced by the failure to comply with any requirement of this Schedule if an order were made under this Schedule designating the area to which the scheme relates as an enterprise zone,
- may order that the Secretary of State shall not make an order under this Schedule designating the area as an enterprise zone in pursuance of the scheme, but (in a case where sub-paragraph (b) above applies) may further order that, if steps are taken to comply with the requirement concerned, an order may be made designating the area.
- (3) No order made by the Court under sub-paragraph (2) above prejudices the making of an order under this Schedule designating the area as an enterprise zone in pursuance of another scheme (so long as this Schedule is complied with).
- (4) Except as provided by this paragraph, the validity of a scheme adopted under this Schedule shall not be questioned in any legal proceedings whatsoever.

#### *Designation of enterprise zone*

- 5 (1) If a body adopts a scheme under this Schedule, the Secretary of State may (if he thinks it expedient to do so) by order designate the area to which scheme relates as an enterprise zone.
- (2) No order may be made until—
- (a) the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above, or
  - (b) if an application in relation to the scheme is made under paragraph 4(1) above, the time at which any proceedings arising out of the application are disposed of,
- whichever is the later.
- (3) The power to make the order shall be exercisable—
- (a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) only with the Treasury's consent.
- (4) The order shall—
- (a) specify the date of the designation taking effect (the effective date);
  - (b) specify the period for which the area is to remain an enterprise zone;
  - (c) define the boundaries of the zone by means of a plan or map;

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- (d) designate as the enterprise zone authority the body which was invited to prepare the scheme.
- (5) The power to amend orders conferred by section 14 of the <sup>M75</sup> Interpretation Act 1978 does not include power to amend an order made under this paragraph.
- (6) The power to revoke orders conferred by that section does not include power to revoke an order made under this paragraph before the expiry of the period mentioned in sub-paragraph (4)(b) above.
- (7)
- <sup>F156F157</sup>(8) .....
- (9) In the following provisions of this Schedule references to a scheme are, in relation to an area designated as an enterprise zone under this paragraph, to the scheme adopted for the area under paragraph 3(1) above.

#### Textual Amendments

- F156** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F157** Sch. 32 para. 5(8) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

#### Modifications etc. (not altering text)

- C47** Sch. 32 para. 5 amended (E.W.) by the Town and Country Planning Act 1990 (c. 8, SIF 123:1), s. 6(1)  
Sch. 32 para. 5 extended (27.5.1997) by 1997 c. 8, ss. 2(1), 278(2) (with s. 20)

#### Marginal Citations

- M75** 1978 c. 30 (115:1).

#### *Publicity of designation*

- 6 (1) As soon as practicable after the making of an order under paragraph 5 above, the body which adopted the scheme shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.
- (2) The advertisement shall contain—
- a statement that the order has been made and will have effect to make the area an enterprise zone; and
  - a statement that a copy of the scheme can be inspected without payment and a statement of the address where and times when it can be inspected.
- (3) The advertisement shall be published—
- in the London Gazette, or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and
  - on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

#### *Right of entry*

- 7 (1) Any person duly authorised in writing by a body which has been invited to prepare a scheme under this Schedule may at any reasonable time enter any land in the area

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to which the scheme relates (or could relate) for the purpose of surveying the land in connection with the preparation or adoption of a scheme under this Schedule.

- (2) In relation to England and Wales, [<sup>F158</sup>subsection (8) of section 324 and section 325 of the 1990 Act] (giving of notice, compensation for damage, etc.) shall apply in relation to sub-paragraph (1) above as they apply in relation [<sup>F158</sup>to section 324].
- (3) In relation to Scotland, [<sup>F159</sup>subsection (6) of section 269 and section 270 of the 1997 Act] (giving of notice, compensation for damage, etc.) shall apply in relation to sub-paragraph (1) above as they apply in relation [<sup>F159</sup>to section 269].

#### Textual Amendments

**F158** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 44\(14\)\(a\)](#)

**F159** Words in [Sch. 32 para. 7\(3\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 31\(13\)\(a\)](#)

#### *Acts referred to in Part I*

- 8 In this Part of this Schedule—
- “<sup>F160</sup>1990] Act” means the Town and Country Planning Act [<sup>F160</sup>1990]
  - “<sup>F161</sup>1997] Act” means the <sup>M76</sup>Town and Country Planning (Scotland) Act [<sup>F161</sup>1997];
  - “1973 Act” means the <sup>M77</sup>Local Government (Scotland) Act 1973.

#### Textual Amendments

**F160** Word substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 44\(14\)\(b\)](#)

**F161** Word in [Sch. 32 para. 8](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 31\(13\)\(b\)](#)

#### Marginal Citations

**M76** [1972 c. 52 \(123:2\)](#).

**M77** [1973 c. 65 \(81:2\)](#).

## PART II

### MODIFICATION OF SCHEME, ETC.

#### *Modification of scheme*

- 9 (1) Where an order has been made under paragraph 5 above, the Secretary of State may invite the enterprise zone authority to prepare modifications to the scheme.
- (2) The invitation may contain directions as to the drawing up of the modifications (in particular, as to their form or content or any consultations to be made).
- 10 (1) The enterprise zone authority may prepare modifications to a scheme in draft in accordance with the terms of the invitation.

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- (2) Paragraphs 2(2) and (3), 3 and 4 above shall apply in relation to modifications to a scheme as they apply in relation to a scheme.
- 11 (1) If an enterprise zone authority adopts modifications to a scheme, the Secretary of State may (if he thinks it expedient to do so) notify the authority of his approval of them.
- (2) No such notification may be given until—
  - (a) the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above (as applied by paragraph 10 above); or
  - (b) if an application in relation to the scheme is made under paragraph 4(1) above (as so applied), the time at which any proceedings arising out of the application are disposed of,
 whichever is the later.
- (3) The notification shall specify the date of the modifications taking effect (the effective date of modification).
- 12 (1) As soon as practicable after the date of the notification, the enterprise zone authority shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.
- (2) The advertisement shall contain—
  - (a) a statement that the Secretary of State has notified the authority of his approval of the modifications; and
  - (b) a statement that a copy of the modifications can be inspected without payment; and
  - (c) a statement of the address where and times when they can be inspected.
- (3) The advertisement shall be published—
  - (a) in the London Gazette or, if the scheme relates to an enterprise zone in Scotland, the Edinburgh Gazette; and
  - (b) on at least two occasions, in a newspaper circulating in the enterprise zone.
- 13 The power to modify a scheme under the preceding provisions of this Part of this Schedule includes power wholly to replace a scheme.
- 14 In the following provisions of this Schedule references to a modified scheme are references to a scheme modified under this Part of this Schedule.

*Modification of orders by Secretary of State*

- 15 (1) Subject to sub-paragraph (3) below, the Secretary of State may (if he thinks it expedient to do so) by order modify any order made under paragraph 5 above.
- (2) Without prejudice to the generality of sub-paragraph (1) above, an order under this paragraph—
  - (a) may extend the period for which the zone is to remain an enterprise zone; and
  - <sup>F162</sup>(b) .....
- (3) The power conferred by sub-paragraph (1) above does not include—
  - (a) power to alter the boundaries of an enterprise zone;
  - (b) power to designate a different enterprise zone authority for the zone; or
  - (c) power to reduce the period for which the zone is to remain an enterprise zone.

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- (4) The power to make an order under this paragraph shall be exercisable—
  - (a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) only with Treasury’s consent.
- (5) The power to amend orders conferred by section 14 of the <sup>M78</sup>Interpretation Act 1978 does not include power to amend an order made under this paragraph.
- (6) The power to revoke orders conferred by that section does not include power to revoke any order made under this paragraph which extends the period for which a zone is to remain an enterprise zone before the expiry of the extended period.

**Textual Amendments**

**F162** Sch. 32 para. 15(2)(b) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

**Marginal Citations**

**M78** 1978 c. 30.

*Change of enterprise zone authority*

- 16 (1) This paragraph applies where—
- (a) the body designated as an enterprise zone authority is a new town corporation or an urban development corporation; and
  - (b) the Secretary of State intends to make an order dissolving that body under section 41 of the <sup>M79</sup>New Towns Order 1965 (or section 36 of the <sup>M80</sup>New Towns (Scotland) Act 1968 or under section 166 above.
- (2) Where this paragraph applies, the Secretary of State may by order made by statutory instrument designate as the enterprise zone authority for the zone any body which he could have invited to prepare a scheme for the area comprised in the zone under paragraph 1 above.
- (3) An order under this paragraph shall specify the date on which the body is to become the enterprise zone authority.

**Marginal Citations**

**M79** 1965 c. 59.

**M80** 1968 c. 16 (123:4).

**PART III**

PLANNING

*General*

**F163** 17 .....

*Status: Point in time view as at 11/09/1998.*

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**Textual Amendments**

**F163** Sch. 32 para. 17 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

*Amendments of 1971 Act*

**F164**18 .....

**Textual Amendments**

**F164** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

*Amendments of 1972 Act*

**F165**19 .....

**Textual Amendments**

**F165** Sch. 32 para. 19 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

*Enterprise zone authority as planning authority*

20 (1)  
**F166****F167**(2) .....

**Textual Amendments**

**F166** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 23(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**  
**F167** Sch. 32 para. 20(2) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

**F168**21 .....

**Textual Amendments**

**F168** Sch. 32 para. 21 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

**F169**22 .....

**Textual Amendments**

**F169** Sch. 32 para. 22 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

*Structure and local plans*

23<sup>**F170**</sup>



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**Textual Amendments**

**F170** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

*Structure and local plans*

**F171**24 .....

**Textual Amendments**

**F171** Sch. 32 para. 24 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

*Regulations*

**F172**25 .....

**Textual Amendments**

**F172** Sch. 32 para. 25 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

*Interpretation*

26 (1) In this part of this Schedule—

“planning enactment” means any provision of <sup>[F173]</sup>the 1990 Act, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990] or of <sup>[F174]</sup>the 1997 Act, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or the Planning (Hazardous Substances) (Scotland) Act 1997] or of any instrument made under either of them;

<sup>[F175]</sup> “the 1990 Act” means the Town and Country Planning Act 1990]

<sup>[F176]</sup> “the 1997 Act” means the Town and Country Planning (Scotland) Act 1997].

**F177**(1A) .....

(2) Any expression used in this Part of this Schedule and to which a meaning is assigned—

(a) in relation to England and Wales, by the <sup>[F178]</sup>1990] Act; or

(b) in relation to Scotland, by the <sup>[F174]</sup>1997] Act,

has, in relation to England and Wales or, as the case may be, in relation to Scotland, the meaning so assigned to it.

**Textual Amendments**

**F173** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(i)**

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F174** Words in Sch. 32 para. 26(1)(2)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(13)(c)(i)(iii)**
- F175** Definition substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(ii)**
- F176** Sch. 32 para. 26(1): definition of “the 1972 Act” substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(13)(c)(ii)**
- F177** Sch. 32 para. 26(1A) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F178** Figure substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(iii)**

**F179** PART IV

.....

- Textual Amendments**
- F179** Sch. 32 Pt. IV (paras. 27–32) repealed by S.I. 1990/776, art. 3, **Sch. 1**

**PART V**

RATES—SCOTLAND

*No rates on certain lands and heritages*

- 33 (1) No person shall be liable to pay rates in respect of exempt lands and heritages as regards any period during which the area in which the lands and heritages are situated is designated as an enterprise zone.
- [<sup>F180</sup>Provided that where the lands and heritages are situated only partially within any one enterprise zone their value shall, for the purpose of determining what rates (if any) are payable in respect of the lands and heritages, be apportioned between so much of them as lies within, and so much of them as lies outwith, that zone as if—
- (i) the apportionment were by reason of their extending into two or more rating areas; and
  - (ii) the boundary of the enterprise zone were the boundary of such an area.]
- (2) Lands and heritages are exempt lands and heritages for the purpose of this paragraph unless—
- <sup>F181</sup>(a) .....
  - [<sup>F182</sup>(b) the rateable values of the lands and heritages are prescribed under or determined by virtue of an order under section 6 of the Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages),]
  - (c) they are occupied by a public utility undertaking and the value of such lands and heritages falls to be ascertained by reference to the profits of the undertaking carried on therein.
- <sup>F183</sup>(3) .....

*Status: Point in time view as at 11/09/1998.*

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(4) In this paragraph—

- F184 . . .  
F185 . . .  
F186 . . . [F187; and “rating area” means the area of a rating authority.]

#### Textual Amendments

- F180** Proviso added by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 66(1), [Sch. 3](#), para. 42(a)
- F181** [Sch. 32 para. 33\(2\)\(a\)](#) repealed (1.4.1995) by 1994 c. 39, ss. 159(2)(a), 180(2), [Sch. 14](#); S.I. 1994/3150, art. 4(a), [Sch. 1](#)
- F182** [Sch. 32 para. 33\(2\)\(b\)](#) substituted (1.4.1995) by 1994 c. 39, s. 159(2)(b); S.I. 1994/3150, art. 4(a), [Sch. 1](#)
- F183** [Sch. 32 para. 33\(3\)](#) repealed (1.4.1995) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1994/3150, art. 4(a), [Sch. 1](#)
- F184** [Sch. 32 para. 33\(4\)](#): definition of “private garage”  
repealed (1.4.1995) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1994/3150, art. 4(a), [Sch. 1](#)
- F185** [Sch. 32 para. 33\(4\)](#): definition of “private storage premises”  
repealed (1.4.1995) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1994/3150, art. 4(a), [Sch. 1](#)
- F186** [Sch. 32 para. 33\(4\)](#): definition of “rates”  
repealed (1.4.1996) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(d), [Sch. 2](#)
- F187** Words added by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 66(1), [Sch. 3 para. 42\(b\)](#)

#### *Grants to Compensate Rating Authorities for Loss of Revenue*

- 34 (1) [F188 For the financial year 1995-96,]The Secretary of State shall make grants to rating authorities who lose revenue [F188: in respect of the non-domestic sewerage rate] from exempt lands and heritages in consequence of the provisions of this Part of this Schedule.
- (2) Such grants shall be paid out of money provided by Parliament.
- (3) Such grants shall be paid at such times as the Secretary of State may, with consent of the Treasury, determine.
- (4) A grant to a rating authority under this paragraph shall be of such an amount as will fully compensate the authority for the lost revenue mentioned in sub-paragraph (1) above.

#### Textual Amendments

- F188** Words in [Sch. 32 para. 34\(1\)](#) inserted (1.4.1995) by 1994 c. 39, s. 159(3); S.I. 1994/3150, art. 4(a), [Sch. 1](#)

#### *Supplementary*

- 35 This Part of this Schedule applies only to Scotland.

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## SCHEDULE 33

Section 193.

## MINOR AND CONSEQUENTIAL AMENDMENTS

*Commissioners of Works Act 1894 (c. 23)*

- 1 (1) Section 1 of the Commissioners of Works Act 1894 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 2 of Schedule 10 to the <sup>M81</sup>Community Land Act 1975.
- (2) For subsection (1) of section 1 of the said Act of 1894 (which applies the Land Clauses Acts to acquisitions under the <sup>M82</sup>Commissioners of Works Act 1852), there shall in relation to England and Wales be substituted the following subsection—
- “(1) For the purpose of purchase of land by the Secretary of State under the Commissioners of Works Act 1852, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply.
- In the said Part I as so applied the word “land” means (except where the context otherwise requires) any corporeal hereditament, including a building, in relation to the acquisition of land under the said Act of 1852, includes any interest in or right over land.”.
- (3) For subsection (1) of section 1 of the said Act of 1894 there shall in relation to Scotland be substituted the following subsection—
- “(1) For the purpose of the purchase of land by the Secretary of State under the Commissioners of Works Act 1852, the Lands Clauses Acts (except so much thereof as relates to the acquisition of land otherwise than by agreement, and the provisions relating to access to the special Act, and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845), and sections 6 and 70 of the Railway Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923) are hereby incorporated with the said Act of 1852, and, in construing those Acts for the purposes of the said Act of 1852, that Act shall be deemed to be the special Act and the Secretary of State shall be deemed to be the promoter of the undertaking or company, as the case may require.
- In relation to the acquisition of land under the said Act of 1852, “land” includes any interest in or right over land.”.
- (4) This paragraph shall have effect only in relation to agreements entered into after 12 December 1975.

**Modifications etc. (not altering text)**

**C48** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Marginal Citations

**M81** 1975 c. 77.

**M82** 1852 c. 28.

#### *Agricultural Land (Utilisation) Act 1931 (c. 41)*

- 2 The following subsections shall be added after section 12(1) of the Agricultural Land (Utilisation) Act 1931 (power of county councils to provide cottage holdings)

“(1A) If the tenant of a cottage holding feels aggrieved by a prohibition such as is mentioned in the proviso to section 47(1) of the Small Holdings and Allotments Act 1908 (prohibition of improvements), he may appeal to the Minister of Agriculture, Fisheries and Food, who may confirm, vary or annul the prohibition, and the decision of the Minister shall be final.”.

#### Modifications etc. (not altering text)

**C49** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *Lands Tribunal Act 1949 (c. 42)*

- 3 (1) Section 3 of the Lands Tribunal Act 1949 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 3 of Schedule 10 to the <sup>M83</sup>Community Land Act 1975.

- (2) In section 3 of the Lands Tribunal Act 1949 (rules regulating proceedings before the Land Tribunal) after subsection (6) there shall be inserted the following subsections—

“(6A) It is hereby declared that this section authorises the making of rules which allow the Tribunal to determine cases without an oral hearing.

(6B) The rules shall require that the determination without an oral hearing of any disputed claim for compensation which—

- (a) is payable in respect of a compulsory acquisition of land, or
- (b) depends directly or indirectly on the value of any land,

shall require the consent of the person making the claim.

(6C) Where the Tribunal determine a case without an oral hearing, subsection (3) of this section shall apply subject to such modifications as may be prescribed by the rules.”

- (3) In sections 3(6)(b) of the <sup>M84</sup>Lands Tribunal Act 1949 (provision for the Tribunal to sit with assessors) for “sit with” there shall be substituted “be assisted by”.

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**Modifications etc. (not altering text)**

**C50** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M83** 1975 c. 77.

**M84** 1949 c. 42.

*Landlord and Tenant Act 1954 (c. 56)*

- 4 (1) In subsection (2) of section 37 of the Landlord and Tenant Act 1954 (compensation where order for new tenancy precluded on certain grounds) the words “ the product of the appropriate multiplier and ” shall be inserted after the word “be” in paragraphs (a) and (b).
- (2) The following subsections shall be added after subsection (7) of that section :—
- “(8) In subsection (2) of this section “the appropriate multiplier” means such multiplier as the Secretary of State may by order made by statutory instrument prescribe.
- (9) A statutory instrument containing an order under subsection (8) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

**Modifications etc. (not altering text)**

**C51** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Land Compensation Act 1961 (c. 33)*

- 5 (1) Sections 2(2), 15(5) and 19(3) of the <sup>M85</sup>Land Compensation Act 1961 shall continue to be amended as mentioned in this paragraph notwithstanding the repeal by this Act of paragraph 4(1) to (3) and (5) of Schedule 10 to the <sup>M86</sup>Community Land Act 1975.
- (2) At the end of section 2(2) of the Land Compensation Act 1961 (tribunal to sit in public) there shall be added—
- “Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the Lands Tribunal Act 1949”.

*Status: Point in time view as at 11/09/1998.*

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- (3) In section 15(5) of the Land Compensation Act 1961 (assumption as to planning permission) for the words “might reasonably have been expected to be” there shall be substituted the words “ would have been ” and after the word “thereof” there shall be inserted the words “ if it were not proposed to be acquired by any authority possessing compulsory purchase powers ”.
- (4) In section 19(3) of the Land Compensation Act 1961 (extension of sections 17 and 18 to special cases) there shall be substituted for the words “paragraph (a)” the words “ paragraphs (a) and (b) ” and for the words “paragraph (b)” the words “ paragraph (c) ”.
- (5) Sub-paragraphs (3) and (4) above shall have effect only in relation to applications, or certificates issued in pursuance of applications made after 12 December 1975.

**Modifications etc. (not altering text)**

**C52** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M85** 1961 c. 33.

**M86** 1975 c. 77.

**F189**<sup>6</sup> .....

**Textual Amendments**

**F189** Sch. 16 para. 10 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

*Land Compensation (Scotland) Act 1963 (c. 51)*

- 7 (1) Sections 9(2), 23(5) and 27(5) of the Land Compensation (Scotland) Act 1963 shall continue to be amended as mentioned in this paragraph notwithstanding the repeal by this Act paragraph 5(1) to (3) and (5) of Schedule 10 to the <sup>M87</sup>Community Land Act 1975.
- (2) At the end of section 9(2) of the Land Compensation (Scotland) Act 1963 (tribunal to sit in public) there shall be added—

“Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the Lands Tribunal Act 1949.”.
- (3) In section 23(5) of the Land Compensation (Scotland) Act 1963 (assumptions as to planning permission) for the words “might reasonably have been expected to be” there shall be substituted the words “ would have been ” and after the word “thereof” there shall be inserted the words “ if it were not proposed to be acquired by any authority possessing compulsory purchase powers ”.

*Status: Point in time view as at 11/09/1998.*

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- (4) In section 27(5) of the Land Compensation (Scotland) Act 1963 (extension of sections 25 and 26 to special cases) there shall be substituted for the words “section 25(3)(a)” the words “ subsection (3)(a) and (b) of section 25 ” and for the words “subsection (3)(b)” the words “ subsection (3)(c) ”.
- (5) Sub-paragraphs (3) and (4) above shall have effect only in relation to application to applications, or certificates issued in pursuance of applications, made after 12 December 1975.
- (6) In Schedule 2 to the Land Compensation (Scotland) Act 1963 (acquisition of houses as being unfit for human habitation) at the end of paragraph 1(1) there shall be added “or
  - (h) an acquisition by means of an order under section 141 of the Local Government, Planning and Land Act 1980 vesting land in an urban development corporation; or
  - (i) an acquisition by such a corporation under section 142 of that Act.”.

**Modifications etc. (not altering text)**

**C53** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M87** 1975 c. 77.

F190<sup>8</sup> .....

**Textual Amendments**

**F190** Sch. 27 para. 14, Sch. 33 paras. 6, 8 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F191<sup>9</sup>— .....  
11.

**Textual Amendments**

**F191** Sch. 33 paras. 9–11 repealed (E.W.) by S.I. 1990/766, art. 3, **Sch. 1**

F192<sup>12</sup> .....

**Textual Amendments**

**F192** Sch. 33 para. 12 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, **6**



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*Local Government Act 1972 (c. 70)*

- 13 (1) Paragraph 55 of Schedule 16 to the Local Government Act 1972 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 8(2) of Schedule 10 to the <sup>M88</sup>Community Land Act 1975.
- (2) In the said paragraph 55 (which makes provision as to the exercise of functions under section 17 of the <sup>M89</sup>Land Compensation Act 1961 elsewhere than in Greater London) for the words “might reasonably have been expected to be granted”, in both places where they occur, there shall be substituted the words “ would have been granted if the land in question were not proposed to be acquired by any authority possessing compulsory purchase powers. ”

This sub-paragraph shall have effect only in relation to applications made after 12 December 1975.

**Modifications etc. (not altering text)**

**C54** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M88** 1975 c. 77.  
**M89** 1961 c. 33.

*Housing Act 1980 (c. 51)*

- 14 In Schedule 5 to the Housing Act 1980 (application of <sup>M90</sup>Landlord and Tenant Act 1954 to assured tenancies) the following paragraph shall be inserted after paragraph 7:—

“7A The power to prescribe a multiplier conferred by subsection (8) of that section includes a power to prescribe a multiplier in relation to assured tenancies different from that prescribed in relation to other tenancies to which Part II of the Landlord and Tenant Act 1954 applies.”

**Modifications etc. (not altering text)**

**C55** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M90** 1954 c. 56.

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## SCHEDULE 34

Section 194.

## REPEALS

**Modifications etc. (not altering text)**

**C56** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## PART I

## REPEALS CONSEQUENTIAL ON SECTION 1(1)—VARIOUS CONTROLS

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 55	Prevention of Damage by Pests Act 1949.	Section 2(2).  Section 12(1).  In section 21(1) the words “to give general directions under section twelve of this Act and”.
14 & 15 Geo. 6. c. 63.	Rag Flock and Other Filling Materials Act 1951.	Section 6(5) and (6).  Section 7(5) and (6).  Section 15(5).  Section 27.
4 & 5 Eliz. 2. c. 16.	Food and Drugs Act 1955.	Section 99(2).  In section 109, in subsection (2) the words “Subject to the next following subsection,” and subsection (3).
1970 c. 40.	Agriculture Act 1970.	Section 67(7).  Section 80(2), (3) and (4).  Section 86(8).
1972 c. 70.	Local Government Act 1972.	Section 138(2).
1974 c. 3.	Slaughterhouses Act 1974.	Section 2(6) and (7).

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In section 12(1) the words  
“and shall if so required by  
the Minister”.

In section 16(1)(a) the words  
“and shall if so required by  
the Minister”.

## PART II

### REPEALS CONSEQUENTIAL ON SECTION 1(2)—CLEAN AIR AND POLLUTION

Chapter	Short title	Extent of repeal
4 & 5 Eliz. 2 c. 52.	Clean Air Act 1956	Section 4.  In section 6, subsection (3), and in subsection (5) the words “under subsection (3) or”.  In section 11, in subsection (1) the words “confirmed by the Minister”, in subsection (5) the words “and confirmed” (in both places where they occur) and in subsection (6) the words “confirmation and”.  In section 12(2) the words “and confirmed”.  In section 31(6), the words from “or”, in the second place where it occurs, to the end in their application to England and Wales.  Section 35(4).
1964 c. 56.	Housing Act 1964.	In section 95, in subsection (2), the words “as confirmed” and the words “then, if the order is confirmed,” and subsection (2A).
1968 c. 62.	Clean Air Act 1968.	Section 4(3).  Section 6(3).  In section 10, subsections (1) to (4).  In section 12(1) the words “14 or”.

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1974 c. 40.	Control of Pollution Act 1974.	<p>Section 14(3).</p> <p>In section 2, in subsection (2), the words from “but provision may be made by regulations” to the end, in subsection (3) (a)(vi) the words “and such other persons as may be prescribed”, and subsection (7).</p> <p>In section 5, in subsection (1), the words “and include such information as is prescribed”, in subsection (2) the words from “but provision may be made by regulations” to the end, in subsection (4) (a) the words “and to any other prescribed person”, in subsection (4)(b) the words “or person” (in each place where they occur), in subsection (5)(a) the words “and (iii) any other prescribed person”, and in subsection (5)(b) the words “or person” (in each place where they occur).</p> <p>In section 6, in subsection (1) the words “as to the conditions which are not to be specified in a disposal licence, and”, and in subsection (2) the words “Subject to regulations made in pursuance of the preceding subsection”.</p> <p>In section 11, in subsection (3), paragraph (b) and in paragraph (c) the words “and to any other prescribed person” in subsection (4)(a) the words “and to any other prescribed person”, and, in subsection (6), paragraph (b) and the word “and” immediately preceding it.</p>
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In section 23, subsection (3) and, in subsection (4), the word “also”.

In section 28(1) the words “in the prescribed form”.

In section 63, in subsection (1) the words “confirmed by the Secretary of State”, in subsection (3) the words “and confirmed” (in both places where they occur), and in subsection (4) the words “confirmation and”.

Section 73(2)(a).

In section 79(5) the words “or with the consent of the Secretary of State”.

In Schedule 3, paragraph 22.

### PART III

#### REPEALS CONSEQUENTIAL ON SECTION 1(3)—AMENITY ETC.

Chapter	Short title	Extent of repeal
39 & 40 Vict. c. 56.	Commons Act 1876.	Section 8.
62 & 63 Vict. c. 30.	Commons Act 1899.	In section 2, the second sentence.  In section 12 the words “and subject to the approval of the Local Government Board”.
12, 13 & 14 Geo. 6. c. 97.	National Parks and Access to the Countryside Act 1949.	Section 37.  In section 61(3) paragraph (b) of the proviso. Section 62(4).  Section 79.  In section 80(3) the words “made with the approval of the Minister”.
1968 c. 41.	Countryside Act 1968.	Section 17.
1978 c. 3.	Refuse Disposal (Amenity) Act 1978.	In section 3(2) the words “in the prescribed manner” and

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the words “in the prescribed manner and”.

Section 4(4).

In section 6(2) the words “in the prescribed manner” and the words “in the prescribed manner and”.

## PART IV

### REPEALS CONSEQUENTIAL ON SECTION 1(4)—WEIGHTS AND MEASURES AND TRADE

Chapter	Short title	Extent of repeal
14 Geo. 6. c. 28.	Shops Act 1950.	In section 8(1) the words “and confirmed by the Secretary of State in manner provided in this Act”.  In section 9, in subsection (2), the words from “and the order” to the end, and subsection (3).  Section 10.
1963 c. 31.	Weights and Measures Act 1963.	In section 5(1A) the words “with the approval of the Secretary of State”.  In section 39, subsections (3), (4) and (5).  In section 41(2) the words from “and notice” to the end.
1968 c. 29.	Trade Descriptions Act 1968.	Section 26(3) and (4).
1974 c. 39.	Consumer Credit Act 1974.	Section 161(4), (5) and (6).
1979 c. 38.	Estate Agents Act 1979.	Section 26(5), (6), (7) and (8).
1979 c. 45.	Weights and Measures Act 1979.	In section 1(8)(a) the words from “and for the payment” to the end.  In section 4(3) the words from “to the investigation of a complaint” to “are not being properly discharged” the words “in sections 38(1)” and the words “39(3) the references”.

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## PART V

### REPEALS CONSEQUENTIAL ON SECTION 1(5)—ALLOTMENTS

Chapter	Short title	Extent of repeal
8 Edw. 7. c. 36.	Small Holdings and Allotments Act 1908.	In section 28(3) the words “Rules under this section” to the end.  In section 32(2) the words “and which is approved by the Local Government Board”.  In the proviso to section 47(1) the words from “but, if the tenant feels aggrieved” to the end.  In section 49(2) the words “with the consent of, and subject to regulations made by, the Local Government Board”.  Section 54.  Section 59.
9 & 10 Geo. 5. c. 59.	Land Settlement (Facilities) Act 1919.	In section 22(1) the words from “with the consent” to “may impose”.
12 & 13 GGeo. 5. c. 51.	Allotments Act 1922.	Section 20.
15 & 16 Geo. 5. c. 61.	Allotments Act 1925.	Section 13.

## PART VI

### REPEALS CONSEQUENTIAL ON SECTION 1(6)—CHARGES AND RATES OF INTEREST ETC.

Chapter	Short title	Extent of repeal
26 Geo. 5 & 1 Edw. 8. c. 49.	Public Health Act 1936.	In section 291(3), the proviso.
5 & 6 Eliz. 2. c. 56.	Housing Act 1957.	Section 10(6).
9 & 10 Eliz. 2. c. 65.	Housing Act 1961.	Section 18(8).
1964 c. 75.	Public Libraries and Museums Act 1964.	In section 8(2), the words “not exceeding such amount as may be specified in that behalf by the Secretary of State”.

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1966 c. 42.	Local Government Act 1966.	In Schedule 3, in Part II, paragraphs 7, 15 and 32.
1966 c. 51.	Local Government (Scotland) Act 1966.	In Schedule 4, in Part II, paragraphs 13 and 22.
1968 c. 54.	Theatres Act 1968.	In Schedule 1, in paragraph 3, sub-paragraphs (2) and (3).
1972 c. 70.	Local Government Act 1972.	Section 171.
1972 c. xl.	Greater London Council (General Powers) Act 1972.	Section 19(6)(c).
1973 c. 60.	Breeding of Dogs Act 1973.	Section 1(3).
1973 c. 65.	Local Government (Scotland) Act 1973.	In section 121(1) the words “section 10(2) of the Coast Protection Act 1949” and “section 23(5) of the Mines and Quarries (Tips) Act 1969”.
1974 c. 44.	Housing Act 1974.	Section 76(6).

## PART VII

### REPEALS CONSEQUENTIAL ON SECTION 1(7)—HIGHWAYS

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 97.	National Parks and Access to the Countryside Act 1949.	In section 53, in subsection (1), the words “with the approval of the Minister” in paragraph (b) and at the end of that paragraph the words “as the Minister may either generally or in any particular case direct”, and subsections (3) and (4).
7 & 8 Eliz. 2 c. 25.	Highways Act 1959.	In section 30, subsections (2) and (3) and in subsection (4), the words “Subject to the provisions of subsection (2) of this section.”. Section 59(6). In section 73(1) the proviso. Sections 95 and 96. In section 108(10), the words “and any question arising under this subsection whether the withholding of a consent



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		is unreasonable shall be determined by the Minister".
		In section 126, subsection (2), in subsection (3) the words "or the Minister of Housing and Local Government under the last foregoing paragraph", and in subsection (4), the words "or subsection (2)".
		Section 181(5).
		In section 211(2) the proviso.
		In section 233, in subsection (2), the words from "but" to the end and in subsection (5) the words "subject to the approval of the Minister".
		Section 246(2).
		Section 264(5).
		Section 280(2), (3) and (4).
		Section 288.
		In Schedule 24, paragraph 12(4).
9 & 10 Eliz. 2. c. 63.	Highways (Miscellaneous Provisions) Act 1961.	Section 16(4).
1966 c. 42.	Local Government Act 1966.	Section 29(3).
1968 c. 41.	Countryside Act 1968.	In section 29(4) the words "and the highway authority shall before refusing to make an order under subsection (22) of this section consult the Minister of Agriculture, Fisheries and Food".
1968 c. 73.	Transport Act 1968.	Section 120.
1971 c. 41.	Highways Act 1971.	Section 85.

## PART VIII

### REPEALS CONSEQUENTIAL ON SECTION 1(8)—ROAD TRAFFIC

Chapter	Short title	Extent of repeal
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1967 c. 76.	Road Traffic Regulation Act 1967.	Section 1(9).  In section 9(5) the words “made by the Greater London Council”. Section 17. Section 26(5). Section 84B(1)(g). In section 84D, in subsection (2)(d), the words “section 26(5) or” and subsection (3). Section 113(2).
1968 c. 41.	Countryside Act 1968.	Section 32(9).
1972 c. 70.	Local Government Act 1972.	In Schedule 19, paragraph 11.
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 14, paragraph 63.

## PART IX

### RATES

Chapter	Short title	Extent of repeal
1967 c. 9.	General Rate Act 1967.	In section 4(2), the words “of seven days”. Section 5(1)(g). In section 19(6), the definition of “house”. In section 30(1), the word “(2)”. Section 48(4). Section 50(2). In Schedule 1, in paragraph 1(2), the words “and no reduction shall be made under section 48 of this Act in respect of any rates so payable”. Schedule 2. In Schedule 10, paragraph 2, in paragraph 5(c) the words from “(apart” to “this

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		Act)" and in paragraph 6 the words "in accordance with paragraph 1(a) of this Schedule".
1969 c. 19.	Decimal Currency Act 1969.	In Schedule 2, paragraph 28(3).
1973 c. xxx.	Greater London Council (General Powers) Act 1973.	Section 26.
1974 c. 7.	Local Government Act 1974.	In Schedule 7, paragraph 4.
1975 c. 5.	General Rate Act 1975.	The whole Act.
1976 c. 15	Rating (Caravan Sites) Act 1976.	In section 1(4) the words "in determining whether the hereditament is a mixed hereditament".

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## PART X

### TOWN AND COUNTRY PLANNING

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<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1971 c. 78.	Town and Country Planning Act 1971.	<p>In section 6, in subsection (2), the words "and shall, if directed to do so by the Secretary of State" and in subsection (5), the words "and, for the Secretary of State to direct them to institute,".</p> <p>In section 7, in subsection (2), the words "during such period as the Secretary of State may direct" and the words from "and" to the end, and subsection (5).</p> <p>In section 10C(2), the words "Subject to regulations under this section,".</p> <p>In section 11, in subsection (3)(b), the words "or as the Secretary of State may in any particular case direct", in subsection (5), the words "or as the case may in any particular case be specified in directions given by the Secretary of State;" subsection (6), and in</p>

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subsection (10), the words  
“the preceding provisions of”.

In section 12, in  
subsection (1)(a), the words  
“to any relevant matter  
arising out of a survey  
carried out under section 6  
or 11 of this Act and”, in  
subsection (2), the words  
“and at such other places as  
may be prescribed” and in  
subsection (3), the words  
“containing such particulars,  
if any, as the case may be  
prescribed”.

Section 50.

In section 55(2), the word  
“only” and in paragraph (a),  
the words “(in this Act  
referred to as “listed building  
consent”)”.

Section 56(2).

In section 60(5),  
paragraph (c) and in  
paragraph (d), the words “the  
Secretary of State or”.

In section 61, in  
subsection (2)(b), the words  
from “or” to the end of the  
paragraph and subsection (3).

In section 277, subsection (3)  
and (5)(a) and (b).

In section 277A,  
subsection (3) and in  
subsection (4), the words “or  
to an individual building so  
specified”.

Section 277B(3).

In Schedule 3, in paragraph 4,  
the word “58”.

In Schedule 4, in paragraph  
1, the words from “or” to  
the end, in paragraph 2, the  
words from “and” to the end,  
paragraph 6, in paragraph 11,  
in sub-paragraph (2)(b), the  
words “or as the Secretary

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		of State may direct", and in sub-paragraph (3), the words "or as may in any particular case be specified in directions given by the Secretary of State", and in paragraph 12, in sub-paragraph (2), the words "and at such other places as may be prescribed" and in sub-paragraph (3), the word "such" and the words "if any, as may be prescribed".
		In Schedule 11, paragraph 3, paragraph 12(1)(b) and the word "and" immediately preceding it and in paragraph 12(3), the words from "and the notice" to the end.
1972 c. 70.	Local Government Act 1972.	In Schedule 16, in paragraph 15(2), the words from "unless" to the end, in paragraph 25, in sub-paragraph (1), the words "Subject to sub-paragraph (2) below," and sub-paragraph (2), and paragraph 32(d).  In Schedule 17, paragraph 6(b).
1978 c. 50.	Inner Urban Areas Act 1978.	Section 12.

## PART XI

### COMMUNITY LAND

Chapter	Short title	Extent of repeal
1961 c. 33.	Land Compensation Act 1961.	In Schedule 2, paragraph 2(1)(i) and the word "or" immediately preceding it.
1963 c. 51.	Land Compensation (Scotland) Act 1963.	In Schedule 2, paragraph 1(1)(g) and the word "or" immediately preceding it.
1971 c. 78.	Town and Country Planning Act 1971.	Section 34(1A).
1972 c. 52.	Town and Country Planning (Scotland) Act 1972.	In section 31(2) the words "and with respect to

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		resolutions and notifications under Schedule 8 to the Community Land Act 1975". Section 31(2A).
1974 c. 7.	Local Government Act 1974.	In section 25(1)(aa) the words from "and" to the end.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to a Financial Tribunal within the meaning of section 27(1) of the Community Land Act 1975.
1975 c. 30.	Local Government (Scotland) Act 1975.	Section 23(1)(aa).
1975 c. 77.	Community Land Act 1975.	The whole Act.
1976 c. 75.	Development of Rural Wales Act 1976.	In Schedule 7, paragraph 16.
1977 c. 42.	Rent Act 1977.	In Schedule 23, paragraph 71.

## PART XII

### LAND COMPENSATION

Chapter	Short title	Extent of repeal
1973 c. 26.	Land Compensation Act 1973.	Section 14.  In section 19, in subsection (1) the definition of "claim period" and in subsection (3) the words from "but, if it does" onwards. Section 32(8).
1973 c. 56.	Land Compensation (Scotland) Act 1973.	Section 12.  In section 17, in subsection (1) the definition of "claim period" and in subsection (3) the words from "but, if it does" onwards. Section 29(8).

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### PART XIII

#### REPEALS CONSEQUENTIAL ON SECTION 118 ENGLAND AND WALES

Chapter	Short title	Extent of repeal
9 & 10 Geo. 6. c. 49.	Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 1, in paragraph 3(1), the words in head (b) from "except" to "case", head (c) and the proviso, and in paragraph 7A, the words "the confirming authority and to" and the words "or affixing of notices".
12, 13 & 14 Geo. 6. c. 97.	National Parks and Access to the Countryside Act 1949.	Section 77(4).
7 & 8 Eliz. 2. c. 53.	Town and Country Planning Act 1959.	In section 23(3), the words following paragraph (ii). In section 26, subsection (3) and in subsection (5) the words following paragraph (ii). Section 30(5).
1971 c. 78.	Town and Country Planning Act 1971.	Section 119(2). In section 121(1) the words "open space". Section 122(2)(a) and (3). Section 123(2)(a) and (b), (3) to (6).
1972 c. 70.	Local Government Act 1972.	In section 122, in subsection (2), the words "open space" in paragraph (a) and the words following paragraph (b), and subsections (3), (5) and (6). Section 123(3), (4) and (5). Section 123A. In section 126, in subsection (4), the words "open space" in paragraph (a) and the words following paragraph (b), and subsections (5) and (7).

SCOTLAND

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1973 c. 65. Local Government (Scotland) Section 74A.  
Act 1973.

## PART XIV

### TOWN DEVELOPMENT

Chapter	Short title	Extent of repeal
15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.	Town Development Act 1952.	In section 4(1), the words “county or”.  Section 7(c).  In the second paragraph of section 8(1), paragraph (c).  In section 10(3), the words “county or”.  Section 11.
1972 c. 70.	Local Government Act 1972.	Section 185(2) and (3).  In Schedule 18, paragraph 1 and in paragraph 4 the words from “the”, in the first place where it occurs, to “and”.

## PART XV

### NEW TOWNS

Chapter	Short title	Extent of repeal
1964 c. 26.	Licensing Act 1964.	In section 112(1), in paragraph (a), sub- paragraph (ii) and the word “or” immediately preceding it and, in paragraph (b), sub- paragraph (ii) and the word “or” immediately preceding it.  In section 112(5) the words “or licensed premises”.

## PART XVI

### MISCELLANEOUS

Chapter	Short title	Extent of repeal
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38 & 39 Vict. c. 55.	Public Health Act 1875.	Section 172.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 31.	Cremation Act 1952.	In section 1, in subsection (1) the words from “unless” to “nor” and the words “to be in accordance with such plans” and subsections (2) and (3).
7 & 8 Eliz. 2. c. 25.	Highways Act 1959.	In section 127(c) the words “or a gipsy.”
4 & 5 Eliz. 2. c. 52.	Clean Air Act 1956.	Section 23.
1963 c. 33.	London Government Act 1963.	Section 73(2).  In Schedule 2, in paragraph 28(1), the words “with the approval of the Treasury”.
1966 c. 42.	Local Government Act 1966.	In section 9(3), the words “to a local authority”.  In Schedule 5, paragraph 1.
1968 c. 52.	Caravan Sites Act 1968.	In section 6(2), the words from “and the Minister” to the end.
1970 c. 42.	Local Authority Social Services Act 1970.	Section 6(3) and (4).  In section 13, in subsection (1), the words “and regulations” in subsection (3), the words “or regulations under section 6(3) thereof”, and in subsection (5), the words “or regulations”.  In section 15(2), the word “3”.
1972 c. 70.	Local Government Act 1972.	Section 144(3).  Section 174(3).  In section 190, in subsection (1) the words from “and for the words” to the end, and subsections (2) and (3).
1973 c. 37.	Water Act 1973.	In Schedule 3, paragraph 11(2).
1973 c. 65.	Local Government (Scotland) Act 1973.	Section 46(2).
1974 c. 7.	Local Government Act 1974.	Section 1(8)

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		In Schedule 1, paragraphs 1 to 5 and 10.
1976 c. 70.	Land Drainage Act 1976.	Section 65(8).
1978 c. 50.	Inner Urban Areas Act 1978.	Section 14.
1978 c. xiii.	Greater London Council (General Powers) Act 1978.	Section 8.

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