

Status: Point in time view as at 02/08/2023.

Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Examination of proposals for community right to build orders etc is up to date with all changes known to be in force on or before 12 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)

SCHEDULES

[^{F1}SCHEDULE 4C

COMMUNITY RIGHT TO BUILD ORDERS

Textual Amendments

- F1** Sch. 4C inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), ss. 116(3), 240(5)(j), [Sch. 11](#); [S.I. 2012/57](#), art. 4(1)(h) (with arts. 6, 7, 9-11); [S.I. 2012/628](#), art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4); [S.I. 2012/2029](#), arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797](#), art. 4)

Examination of proposals for community right to build orders etc

- 7 The provisions of Schedule 4B have effect in relation to community right to build orders with the following modifications.
- 8 Any reference in that Schedule to section 61E(2) includes a reference to paragraph 2 of this Schedule.
- 9 Any reference in that Schedule to section 61F includes a reference to paragraph 4 of this Schedule.
- 10 (1) The provision made by sub-paragraphs (2) to (5) of this paragraph is to have effect instead of paragraph 12(4) to (6) and (10) of that Schedule.
- (2) If the examiner's report recommends that the draft order is refused, the authority must refuse the proposal.
- (3) If the examiner's report recommends that the draft order is submitted to a referendum (with or without modifications), a referendum in accordance with paragraph 14 of that Schedule must be held on the making by the authority of a community right to build order.
- (4) The order on which the referendum is to be held is the order that the examiner's report recommended be submitted to a referendum subject to such modifications (if any) as the authority consider appropriate.
- (5) The only modifications that the authority may make are—
- (a) modifications that the authority consider need to be made to secure that the order does not breach, and is otherwise compatible with, [^{F2}retained EU obligations],
 - (b) modifications that the authority consider need to be made to secure that the order is compatible with the Convention rights (within the meaning of the Human Rights Act 1998), and
 - (c) modifications for the purpose of correcting errors.

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- (6) In consequence of the provision made by sub-paragraphs (2) to (5) of this paragraph—
- (a) paragraph 12(7) to (9) of Schedule 4B have effect as if the words “(or referendums are)” were omitted, and
 - (b) that Schedule has effect as if paragraph 15 (and references to that paragraph) were omitted.
- (7) Any reference in this Act or any other enactment to paragraph 12 of Schedule 4B includes a reference to that paragraph as modified in accordance with this paragraph.]

Textual Amendments

- F2** Words in Sch. 4C para. 10(5)(a) substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **2(5)**; 2020 c. 1, Sch. 5 para. 1(1)

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