



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART XIV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

207 Default powers of Minister

- (1) If it appears to the Minister, after consultation with the local planning authority, to be expedient that any order to which this subsection applies should be made, he may give directions to the local planning authority requiring them to submit to him such an order for his confirmation, or may himself make such an order; and any order so made by the Minister shall have the like effect as if it had been made by the local planning authority and confirmed by the Minister under Part III of this Act.
- (2) The preceding subsection applies to the following orders, that is to say.—
 - (a) orders under section twenty-seven of this Act, or under the provisions of that section as applied by any order or regulations made under Part III of this Act;
 - (b) orders under section twenty-eight of this Act;
 - (c) tree preservation orders and building preservation orders, and orders amending or revoking tree preservation orders or building preservation orders.
- (3) The provisions of Part III of this Act, and of any regulations made thereunder, with respect to the procedure to be followed in connection with the submission by the local planning authority of any order to which subsection (1) of this section applies, with respect to the confirmation of such an order by the Minister, and with respect to the service of copies thereof as so confirmed, shall have effect, subject to any necessary modifications, in relation to any proposal by the Minister to make such an order by virtue of subsection (1) of this section, in relation to the making thereof by the Minister, and in relation to the service of copies thereof as so made.
- (4) If it appears to the Minister, after consultation with the local planning authority, to be expedient that—

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- (a) an enforcement notice under section forty-five of this Act, or under the provisions of that section as applied by a building preservation order or by regulations under section thirty-four of this Act, or
- (b) a notice under section thirty-six or section fifty-two of this Act,

should be served in respect of any land, he may give directions to the local planning authority requiring them to serve such a notice, or may himself serve such a notice; and any notice so served by the Minister shall have the like effect as a notice served by the local planning authority:

Provided that, in relation to an enforcement notice so served by the Minister, the provisions of sections forty-seven to forty-nine and section fifty-one of this Act shall apply as if, for any reference therein to the local planning authority, there were substituted a reference to the Minister.

- (5) If the Minister is satisfied, after holding a local inquiry.—
- (a) that the council of a county borough or county district have failed to take steps for the acquisition of any land which, in the opinion of the Minister, ought to be acquired by that council under section sixty-eight of this Act, for the purpose of securing its use in the manner proposed by the development plan, or
 - (b) that a local authority have failed to carry out, on land acquired by them under section sixty-eight of this Act, or appropriated by them under section seventy-three of this Act, any development which, in the opinion of the Minister, ought to be carried out,

the Minister may by order require the council or authority to take such steps as may be specified in the order for acquiring the land, or carrying out the development, as the case may be.

- (6) Any order under the last preceding subsection shall be enforceable, on the application of the Minister, by mandamus.