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STATUTORY INSTRUMENTS

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**1948 No. 1236**

**THE TOWN AND COUNTRY PLANNING  
(TRANSFER OF PROPERTY AND OFFICERS AND  
COMPENSATION TO OFFICERS) REGULATIONS, 1948.**

**PART II**

**TRANSFER OF PROPERTY AND OFFICERS**

*Transfer of Property and Liabilities*

**3.** Save as is mentioned in Regulation 5 of these Regulations, the property and liabilities of the council of a country district being property and liabilities held or incurred for the purposes of old planning functions shall on the appointed day be transferred to and vest in the local planning authority for the area in which such district is situated:

Provided that the council and the local planning authority may agree that in lieu of a transfer of a loan borrowed for such purposes the local planning authority shall from time to time repay to the council all sums required to meet interest or redemption charges in respect of the loan or of any sinking fund in connection therewith and in the event of any such agreement being made the loan and any such sinking fund as aforesaid shall not be transferred to the local planning authority.

**4.** Save as aforesaid, the property and liabilities of a joint planning committee shall on the appointed day be transferred to and vest in the local planning authority for the area in which the districts or counties of the constituent authorities of such committee are situate, or if they are situated in the areas of two or more local planning authorities, in those authorities jointly in proportion as the districts, counties or county boroughs in each area contributed immediately before the appointed day to the expenses of such committee:

Provided that any maps, plans, documents or records, the whole or substantially the whole of which relate to the area of one local planning authority, shall be transferred to and vest solely in that authority and not jointly as aforesaid.

**5.** Any liability of the council of a county district or of a joint planning committee to pay, in respect of any officer transferred to a local planning authority under the next succeeding provisions of these Regulations, any sum by way of an equal annual charge to a superannuation fund maintained under the Local Government Superannuation Act, 1937, shall not be transferred to and vest in the local planning authority, but shall remain a liability of the council of the county district, or in the case of a joint planning committee be transferred to and apportioned between the constituent authorities of that committee in such proportions as they may agree, or in default of agreement as the Minister may determine.

*Transfer of Officers*

**6.** Any officer who immediately before the appointed day was in the whole-time employment of the council of a county district, being an officer so employed solely or mainly for the purpose of old

planning functions, shall on the appointed day be transferred to, and become an officer of, the local planning authority for the area in which such district is situated.

7. Any officer who immediately before the appointed day was in the whole-time employment of a joint planning committee shall on the appointed day be transferred to, and become an officer of, the local planning authority for the area in which before the appointed day such committee were exercising their functions, or if such functions were so exercised in the areas of two or more local planning authorities, such of those authorities as may be agreed between them and the officer, or in default of agreement as the Minister may determine.

*Provisions consequential on transfer*

8. No proceedings, legal or other, pending on the appointed day with respect to any property or liabilities transferred by virtue of these Regulations shall be prejudicially affected by the Act or by these Regulations, and any such proceedings may be amended in such a manner as may appear necessary or proper to enable it to be carried on by or against the local planning authority or authorities to whom the transfer was made.

9. Any cause of action by or against any council or joint planning committee in existence on the appointed day in relation to any old planning functions or any property or liabilities transferred by virtue of these Regulations shall not be prejudicially affected by the Act or these Regulations but may be prosecuted and enforced by or against the local planning authority or authorities to whom the transfer was made as successor of the said council or joint planning committee.

10. All contracts, deeds, agreements, notices and other instruments affecting any old planning functions or any property or liabilities transferred by virtue of these Regulations and subsisting at the appointed day shall be of as full force and effect against or in favour of the local planning authority or authorities to whom the transfer was made and may be enforced as fully and effectually as if, instead of the council or joint planning committee named in the instrument, the authority or authorities to whom the transfer was made had been a party thereto.

11. Where any property or liabilities have been transferred by virtue of these Regulations, the local planning authorities, the constituent authorities of joint planning committees and the councils of county districts or, in default of agreement between them the Minister, may, without prejudice to the rights of other parties under these Regulations, provide for the making of such adjustments in relation to the property and liabilities transferred as appear to be desirable, including the making of payments by any such authority or council.

12. The council of a county district shall, at the request of the local planning authority for the area in which that district is situated, make available to that authority any information, records, maps, plans, surveys or other material in their possession relating to the exercise of old planning functions.

13. Any question arising under this Part of these Regulations shall be determined by the Minister.