

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART 5

MODIFICATIONS OF THE ACT (DISCONTINUANCE NOTICES)

1. In section 78, for subsections (1) to (5) substitute—

“(1) Where a discontinuance notice has been served on any person by a local planning authority under regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 that person may, if he is aggrieved by the notice, appeal by notice under this section to the Secretary of State.

[^{F1}(2) A person who wishes to appeal under subsection (1) shall give notice of appeal to the Secretary of State by—

(a) serving on the Secretary of State—

(i) before the date on which the discontinuance notice is due to take effect under regulation 8(4), taking into account where appropriate of any extension of time under regulation 8(6), of those Regulations; or

(ii) such longer period as the Secretary of State may allow,

a completed appeal form, obtained from the Secretary of State; and

(b) serving on the local planning authority a copy of the completed appeal form mentioned in sub-paragraph (a) as soon as reasonably practicable.]

(3) [^{F2}The appeal form mentioned in subsection (2)(a)] shall be accompanied by a copy of each of the following documents—

(a) the discontinuance notice;

(b) any notice of variation; and

(c) any relevant correspondence with the authority.

^{F3}(4)

Textual Amendments

F1 Words in Sch. 4 Pt. 5 para. 1 substituted (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2114\)](#), regs. 1(1), **3(6)(a)** (with reg. 5(4))

F2 Words in Sch. 4 Pt. 5 para. 1 substituted (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2114\)](#), regs. 1(1), **3(6)(b)** (with reg. 5(4))

F3 Words in Sch. 4 Pt. 5 para. 1 omitted (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2114\)](#), regs. 1(1), **3(6)(c)** (with reg. 5(4))

2. In section 79—

(a) for subsection (1) substitute—

“(1) Where an appeal is brought in respect of a discontinuance notice the Secretary of State may—

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PART 5*. (See end of Document for details)

- (a) allow or dismiss the appeal, or
- (b) subject to subsection (1A)—
 - (i) correct any defect, error or misdescription in the discontinuance notice; or
 - (ii) reverse or vary any part of the notice (whether the appeal relates to that part of it or not),and deal with the matter as if an application for express consent had been made and refused for the reasons stated for the taking of discontinuance action.

(1A) The Secretary of State may take any action mentioned in subsection (1)(b) only if he is satisfied that the correction, reversal or variation will not cause injustice to the appellant or the local planning authority.”

[^{F4}(aa) omit subsections (2) and (3);]

- (b) for subsection (4) substitute—

“(4) On the determination of an appeal under section 78 the Secretary of State shall give such directions as may be necessary for giving effect to his determination including, where appropriate, directions for quashing the discontinuance notice or for varying its terms.”;

- (c) omit subsection (6); and
- (d) in subsection (6A), after the word “appeal”, the first time it appears, insert “ in respect of a discontinuance notice ”.

Textual Amendments

F4 Words in Sch. 4 Pt. 5 para. 2 inserted (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013](#) (S.I. 2013/2114), regs. 1(1), **3(7)** (with reg. 5(4))

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PART 5.