

## SCHEDULE

Transitional provisions in relation to functions exercised by borough planning authorities prior to the commencement date

### **Transitional provision: enforcement action**

**3.—(1)** This paragraph applies where a borough planning authority has before the commencement date in relation to any land in the development area—

- (a) issued an enforcement notice under section 172 of the 1990 Act<sup>(1)</sup>;
- (b) served a stop notice under section 173 of the 1990 Act<sup>(2)</sup>;
- (c) served a breach of condition notice under section 187A of the 1990 Act<sup>(3)</sup>; or
- (d) served a discontinuance notice under regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007<sup>(4)</sup>.

(2) The borough planning authority continues to be the local planning authority for the purposes of the notice—

- (a) in the case of an enforcement notice, until the end of the period for compliance with the notice (construed in accordance with section 173(9) of the 1990 Act<sup>(5)</sup>);
- (b) in the case of a stop notice, until the notice ceases to have effect (construed in accordance with section 174(4) or 174(5) of the 1990 Act<sup>(6)</sup>);
- (c) in the case of a breach of condition notice, until the end of the period for compliance with the notice (construed in accordance with section 187A(7) of the 1990 Act);
- (d) in the case of a discontinuance notice, until the end of the period within which the display or the use of the site, as the case may be, is to be discontinued.

(3) The borough planning authority must transmit a copy of the notice to the Corporation.

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(1) 1990 c. 8. Section 172 was substituted by section 5(1) of the Planning and Compensation Act 1991 (c. 34).

(2) 1990 c. 8. Section 183 was amended by section 9(1) of the Planning and Compensation Act 1991 (c. 34).

(3) 1990 c. 8. Section 187A was inserted by section 2 of the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 187A which are not relevant to this Order.

(4) S.I. 2007/783.

(5) 1990 c. 8. Section 173 was substituted by section 5(1) of the Planning and Compensation Act 1991 (c. 34).

(6) 1990 c. 8. Sections 174(4) and 174(5) were amended by paragraph 28 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).