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STATUTORY INSTRUMENTS

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**2004 No. 2202(C.99)**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Planning and Compulsory Purchase Act  
2004 (Commencement No.2, Transitional  
Provisions and Savings) Order 2004**

*Made*     -     -     -     -

*26th August 2004*

The First Secretary of State, in exercise of the powers conferred upon him by sections 121 and 122 of the Planning and Compulsory Purchase Act 2004(1), and after consultation with the National Assembly for Wales(2), hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement Order No.2, Transitional Provisions and Savings) Order 2004.

(2) In this Order, “the Act” means the Planning and Compulsory Purchase Act 2004.

**Provisions coming into force on 28th September 2004 in relation to England**

2. Subject to article 4, the following provisions of the Act shall come into force on 28th September 2004, in relation to England—

- (a) Part 1, so far as it is not yet in force;
- (b) Part 2, so far as it is not yet in force;
- (c) Section 38
- (d) Section 39;
- (e) Section 113;
- (f) Section 114 so far as it relates to Part 2 of the Act;
- (g) Section 119(1), so far as it is not yet in force;
- (h) in Schedule 6, paragraphs 1, so far as it is not yet in force, paragraphs 8 to 13, 15, 16(1) and (2), 17 and 18, paragraph 19, so far as it is not yet in force, and paragraphs 21, 22 and 25;

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(1) 2004 c. 5.

(2) As to consultation with the National Assembly for Wales, *see* section 121(2).

- (i) in Schedule 7, paragraphs 2, 3, 6, 8, 11(1) to (3), 16 and 17, paragraph 19(2), so far as it is not yet in force and paragraphs 22 and 23;
- (j) Schedule 8, so far as it is not yet in force;
- (k) Schedule 9, so far as it gives effect to the repeals specified in Part 1 of Schedule 1 to this Order.

**Provisions coming into force on 28th September 2004 in relation to England and Wales**

**3.** Subject to article 4, the following provisions of the Act shall come into force on 28th September 2004 in relation to England and Wales—

- (a) Part 5, so far as it is not yet in force;
- (b) Section 117(1) to (7), so far as it is not yet in force;
- (c) Section 118, except so much of subsection (2) as relates to the Town and Country Planning (Scotland) Act 1997<sup>(3)</sup>, and so far as it is not yet in force;
- (d) Section 120, except so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997<sup>(4)</sup> and to the Planning (Hazardous Substances)(Scotland) Act 1997<sup>(5)</sup>, and so far as it is not yet in force;
- (e) in Schedule 6, paragraphs 20, 23, 24 and 26, so far as they are not yet in force;
- (f) Schedule 9, so far as it gives effect to the repeals specified in Part 2 of Schedule 1 to this Order.

**Transitional provisions and savings**

**4.** The provisions set out in Schedule 2 shall continue to have effect on and after 28th September 2004

- (a) for the purposes of Schedule 8 to the Act (Transitional Provisions: Parts 1 and 2) and any regulations made pursuant to paragraphs 17 and 18 of that Schedule; and
- (b) in respect of the Isles of Scilly,

as if those provisions had not been amended or repealed by the Act.

Signed by authority of the First Secretary of State

26th August 2004

*Nick Raynsford*  
Minister of State,  
Office of the Deputy Prime Minister

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<sup>(3)</sup> 1997 c. 8 (S). See also section 121(4)(d) of the Planning and Compulsory Purchase Act 2004.  
<sup>(4)</sup> 1997 c. 9 (S).  
<sup>(5)</sup> 1997 c. 10 (S).

## SCHEDULE 1

Articles 2 and 3

### Repeals

## PART 1 - England only

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### Greater London Council (General Powers) Act 1973 (c. xxx)

Town and Country Planning Act 1990 (c. 8)

#### Part 2

Section 284(1), paragraph (a)

Section 287, in subsection (5), paragraph (a) and in each of paragraphs (b) to (e) the words “by virtue of subsection (3)” and subsection (6)

Section 303(6)

Section 303A to the extent set out in Schedule 9 to the Act

Schedule 1, paragraph 2 and in paragraph 3(7) the words “but paragraph 4 shall apply to such applications instead”

Schedule 2, Parts 1, 2 and 3

Schedule 13, paragraphs 1 to 4

Planning and Compensation Act 1991 (c. 34)

Schedule 4, Part 3

Local Government Act 1992 (c. 19)

Section 14(5), paragraph (d)

Environment Act 1995 (c. 25)

Section 67(2) to (4)

Countryside and Rights of Way Act 2000 (c. 37)

In section 86(4), “II,”.

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## PART 2 - England and Wales

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Planning (Listed Buildings and Conservation Areas) Act 1990

Section 10, in subsection (3) the word “and” after paragraph (b)

Section 67(2) to (7)

In section 91(2), “ “development plan” ”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 2

Article 4

### Savings

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Town and Country Planning Act 1990, Part 2

Town and Country Planning Act 1990, sections 284, 287, 296(1)(a) and 303A

Town and Country Planning Act 1990, Schedule 1 paragraph 2

Town and Country Planning Act 1990, Schedule 2 Parts 1, 2 and 3 excluding a street authorisation map which continued to be treated as having been adopted as a local plan by virtue of paragraph 4 of Part 3 of Schedule 2 to the Town and Country Planning Act 1990(6)

Town and Country Planning Act 1990, Schedule 13

Planning and Compensation Act 1991 (c. 34), Schedule 4 Part 3

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order brings into force on 28th September 2004, in relation to England, the following provisions of the Planning and Compulsory Purchase Act 2004 (“the Act”) in so far as they are not already in force –

Part 1 (regional functions);

Part 2 (local development);

Section 38 (reference to development plan in any enactment);

Section 39 (sustainable development);

Section 113 (validity of strategies, plans and documents);

Section 114 so far as it relates to Part 2 of the Act (examination of a document or plan is a statutory inquiry);

Section 119(1) (transitional provisions);

Schedule 6, paragraphs 1, 8 to 13, 15, 16(1) and (2), 17 to 19, 21, 22 and 25 (amendments of the planning Acts);

Schedule 7, paragraphs 2, 3, 6, 8, 11(1) to (3), 16, 17, 19(2), 22 and 23 (amendments of other enactments);

Schedule 8 (transitional provisions for Parts 1 and 2 of the Act) and

Schedule 9, so far as it gives effect to the repeals specified in Part 1 of Schedule 1 to this Order.

Article 3 of this Order brings into force on 28th September 2004, in relation to England and Wales, the following provisions of the Act 2004 in so far as they are not already in force–

Part 5 (correction of errors);

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(6) c. 8.

Section 117(1) to (7) (interpretation);

Section 118, except subsection (2) so far as it relates to the Town and Country Planning (Scotland) Act 1997 (amendments);

Section 120, except so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Listed Building and Conservation Areas)(Scotland) Act and to the Planning (Hazardous Substances)(Scotland) Act 1997 (repeals);

Schedule 6, paragraphs 20, 23, 24 and 26 (amendments of the planning Acts) and

Schedule 9, so far as it gives effect to the repeals specified in Part 2 of Schedule 1 to this Order.

Article 4 of this Order makes transitional and savings provisions for the purposes of the transitional provisions contained in Schedule 8 to the Act and any regulations made pursuant to paragraph 17 of that Schedule, and in respect of the Isles of Scilly.

### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

This Order has been preceded by an earlier order entitled the Planning and Compulsory Purchase Act 2004 (Commencement No.1) Order 2004 (S.I.[2004/2097](#)) commencing provisions of the Act for the purpose of making, or making provision by means of, subordinate legislation. The earlier order was made on 4 August 2004 and came into force on 6 August 2004.

The following Table of this Note sets out the provisions of the Act commenced by earlier order.

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<i>Provision</i>
Sections 1 to 3 (partially)
Section 5 (partially)
Section 8 (partially)
Sections 10 to 15 (partially)
Section 16 (partially)
Section 17 (partially)
Sections 19 to 22 (partially)
Sections 24 to 26 (partially)
Sections 28 and 29 (partially)
Section 31 (partially)
Sections 35 and 36 (partially)
Sections 40 to 42 (partially)
Section 44 (partially)
Sections 46 to 50 (partially)
Sections 52 to 54 (partially)
Section 57 (partially)
Section 59 (partially)
Sections 79 to 83 (partially)

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<i>Provision</i>
Section 88 (partially)
Section 91 (partially)
Sections 100 and 101 (partially)
Section 116 (partially)
Section 117(1) to (7) (partially)
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (partially)
Section 119(1) (partially)
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1999 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (partially)
Schedule 1 (partially)
Schedule 2 paragraph 3 (partially)
Schedule 3 paragraphs 6 to 8 and 10 to 12 (partially)
Schedule 6 paragraphs 1, 3, 14, 16, 19, 20, 23, 24, 26, and 27 (partially)
Schedule 7 paragraph 19 (partially)
Schedule 8 paragraphs 4, 9, 17 and 18 (partially)