

ELIZABETH II



1988 CHAPTER xxxii

An Act to permit the implementation of planning permission in relation to certain land.

[20th December 1988]

WHEREAS—

(1) The city of Birmingham (hereinafter called “the city”) is a city under the management and government of Birmingham City Council (hereinafter called “the Council”):

(2) Certain land in the county of Stafford (hereinafter called “the said land”) is held by the Council by virtue of a conveyance dated 29th September 1936, and made between Francis Edward Howard Paget of the one part and the lord mayor, aldermen and citizens of the city (hereinafter called “the Corporation”) of the other part:

(3) The said conveyance contained a covenant that the Corporation, for the fulfilment of the intention of promoting the healthful recreation of the citizens of Birmingham, will preserve so far as possible the rural character which the hereditaments possessed at the date of the said conveyance and during the ownership and occupation by the said Francis Edward Howard Paget and his ancestors:

(4) By a provision in the Birmingham Corporation Act 1948, re-enacted in the West Midlands County Council Act 1980 it was provided (inter alia) that the said covenant should have statutory effect:

1948 c. xxxix.
1980 c. xi.

(5) The local planning authority have given permission under the Town and Country Planning Act 1971 for carrying out mining operations on part of the said land but the implementation of the permission is frustrated by the covenant and the statutory provision:

1971 c. 78.

(6) It is expedient that mining operations authorised under the said Act of 1971 be allowed:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

1972 c. 70. (8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Birmingham City Council Act 1988.

Interpretation.

2. In this Act—

“the conveyance” means the deed of conveyance dated 29th September 1936, and made between Francis Edward Howard Paget of the one part and the lord mayor, aldermen and citizens of the city of Birmingham of the other part;

“the land” means all or part of the land and premises situate at and in the vicinity of Elford in the district of Lichfield which were conveyed by the conveyance;

“mining operations” means the winning and working of minerals in or under land, whether by surface or underground working.

Power to
implement
planning
permission.
1980 c. xi.

3. Notwithstanding—

(1) the terms of the conveyance; and

(2) section 86 of the West Midlands County Council Act 1980;

1971 c. 78.

it shall be lawful for any person having a sufficient interest in the land to implement or cause or permit to be implemented any planning permission for mining operations granted under the Town and Country Planning Act 1971 in respect thereof.

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