



Industrial Development Act 1966

1966 CHAPTER 34

PART III

INDUSTRIAL DEVELOPMENT CERTIFICATES

- 22 Certain applications for permission to retain buildings or continue use of land to require certificates.**
- (1) Subject to subsection (2) of this section, an industrial development certificate shall be required for the purposes of an application for planning permission made after the commencement of this Act as mentioned in section 20(1) of the Town and Country Planning Act 1962 if the circumstances are such that, in accordance with section 38 of that Act, such a certificate would have been required if the application had been for planning permission to construct the building, or to institute the use of land, which the application seeks permission to retain or continue or (as the case may be) seeks permission to retain or continue without complying with a condition previously imposed.
 - (2) Notwithstanding the foregoing subsection, an industrial development certificate shall not be required for the purposes of an application for planning permission to retain a building or continue a use of land after the end of any period specified in, or otherwise without complying with, a condition subject to which a previous planning permission was granted if the condition in question is not one subject to which the previous planning permission was granted in accordance with the provisions of section 23 of this Act or subject to which that planning permission is by virtue of that section deemed to have been granted.
 - (3) Where by virtue of this section an industrial development certificate is required for the purposes of an application the said section 38 and section 40 of the said Act of 1962 (provision for cases where an industrial development certificate is withheld) shall apply in relation to that application as they apply in relation to such an application as is mentioned in subsection (1) of the said section 38.
 - (4) Any reference in this section to an application made as mentioned in section 20(1) of the said Act of 1962 includes a reference to an application which by virtue of

Status: This is the original version (as it was originally enacted).

section 64(2) of that Act (appeals against enforcement notices) is deemed to have been made for such planning permission as is mentioned in section 20(2) of that Act.

- (5) Subsection (5) of the said section 38 shall cease to have effect.
- (6) In the application of this section to Scotland—
- (a) in subsection (1), the words " Subject to subsection (2) of this section " and " or (as the case may be) seeks permission to retain or continue without complying with a condition previously imposed" shall be omitted ;
 - (b) subsections (2) and (4) shall be omitted ;
 - (c) for the reference in subsection (1) to subsection (1) of section 20 of the said Act of 1962 there shall be substituted a reference to subsection (1) of section 16 of the Town and Country Planning (Scotland) Act 1947 ;
 - (d) for the references in subsections (1) and (3) to section 38 of the said Act of 1962 there shall be substituted references to subsection (4) of section 12 of the said Act of 1947 ;
 - (e) for the reference in subsection (3) to section 40 of the said Act of 1962 there shall be substituted a reference to section 59 of the Town and Country Planning (Scotland) Act 1954;
 - (f) for the reference in subsection (5) to subsection (5) of the said section 38 there shall be substituted a reference to subsection (4) of section 19 of the Local Employment Act 1960.

23 Restrictions or conditions attached to certificates.

- (1) An industrial development certificate in respect of any development may be issued subject to such restrictions on the making of an application for planning permission for that development (whether as to the period within which, or the persons by whom, such an application may be made, or otherwise) as the Board consider appropriate having regard to the proper distribution of industry ; and where an industrial development certificate in respect of any development is issued subject to any such restrictions, and an application for planning permission for that development is made which does not comply with those restrictions, the provisions of section 38 of the Town and Country Planning Act 1962 or, as the case may be, of section 12(4) of the Town and Country Planning (Scotland) Act 1947 shall apply in relation to that application as if no such certificate had been issued.
- (2) Without prejudice to the foregoing subsection, an industrial development certificate may be issued either unconditionally or subject to such conditions as the Board consider appropriate having regard to the proper distribution of industry ; and any reference in this section to conditions attached to an industrial development certificate is a reference to conditions subject to which such a certificate is issued.
- (3) Without prejudice to the generality of the last foregoing subsection, conditions may be attached to an industrial development certificate for requiring the removal of any building or the discontinuance of any use of land to which the certificate relates at the end of a specified period and the carrying out of any works required for the reinstatement of land at the end of that period.
- (4) In so far as any of the conditions attached to an industrial development certificate are of such a description that (apart from this section) they could not have been imposed under the said Act of 1962 or, as the case may be, under the said Act of 1947, that Act shall apply in relation to any application for planning permission for the purposes

Status: This is the original version (as it was originally enacted).

of which that certificate is required, and to any planning permission granted on such an application, as if the powers conferred by that Act included power to impose conditions of that description.

- (5) Where conditions are attached to an industrial development certificate, and, on an application for planning permission for the purposes of which that certificate is required, planning permission is granted, the authority granting the permission shall grant it subject to those conditions, with or without other conditions.
- (6) Planning permission to which the last foregoing subsection applies shall not be invalid by reason only that the requirements of that subsection are not complied with; but where any such planning permission is granted without complying with the requirements of that subsection the planning permission shall be deemed to have been granted subject to the conditions attached to the industrial development certificate, or (if any other conditions were imposed by the authority granting the permission) shall be deemed to have been granted subject to the conditions attached to the certificate in addition to the conditions so imposed.

24 Provisions as to conditions imposed under s. 23.

- (1) This section applies to any condition subject to which planning permission is granted in accordance with the provisions of section 23 of this Act, or subject to which planning permission is by virtue of that section deemed to have been granted, whether it is a condition which could have been imposed apart from that section or not.
- (2) If the planning permission is or was granted by the local planning authority, the Minister shall not be required to entertain an appeal under section 23 of the Town and Country Planning Act 1962 from the decision of the local planning authority, in so far as that decision relates or related to any condition to which this section applies.
- (3) On an appeal under section 46 of the said Act of 1962 against an enforcement notice relating to anything done in contravention of a condition to which this section applies, the Minister shall not be required to entertain the appeal in so far as the appellant claims that planning permission free from that condition ought to be granted.
- (4) No compensation under Part VI, Part VII or Part X of the said Act of 1962 shall be payable in respect of the imposition of any condition to which this section applies.
- (5) For the purposes of section 129(1)(b) of the said Act of 1962 (which relates to purchase notices) no account shall be taken of any condition to which this section applies.
- (6) If any condition imposed by an authority granting planning permission is inconsistent with any condition to which this section applies, the last-mentioned condition shall prevail in so far as it is inconsistent with the condition so imposed.
- (7) Where on an application made as mentioned in section 20(1) of the said Act of 1962 (as modified by section 22 of this Act) planning permission is granted (either unconditionally or subject to conditions) for a building to be retained, or a use of a building to be continued, without complying with a condition to which this section applies (that condition being one subject to which a previous planning permission was granted or is deemed to have been granted), nothing in section 23 of this Act or in the foregoing provisions of this section shall be construed as preventing the subsequent planning permission from operating so as to extinguish or modify that condition, as the case may be.

Status: This is the original version (as it was originally enacted).

- (8) In the application of this section to Scotland and to Wales and Monmouthshire, for the references in subsections (2) and (3) to the Minister there shall be substituted references to the Secretary of State.
- (9) In the application of this section to Scotland—
- (a) for the reference in subsection (2) to section 23 of the said Act of 1962 there shall be substituted a reference to section 14 of the Town and Country Planning (Scotland) Act 1947;
 - (b) for the reference in subsection (3) to section 46 of the said Act of 1962 there shall be substituted a reference to section 21 of the said Act of 1947;
 - (c) for the reference in subsection (4) to Parts VI, VII and X of the said Act of 1962 there shall be substituted a reference to Parts II and IV of the Town and Country Planning (Scotland) Act 1954, and Schedule 4 to the Town and Country Planning (Scotland) Act 1945 ;
 - (d) for the reference in subsection (5) to section 129(1)(b) of the said Act of 1962 there shall be substituted a reference to section 17(1)(b) of the said Act of 1947;
 - (e) subsection (7) shall be omitted.

25 Extension of meaning of " industrial building ".

- (1) In the Local Employment Act 1960 and in the Town and Country Planning Act 1962 (except Part VI thereof), the expression " industrial building " shall include, in addition to the buildings specified in section 21 of the said Act of 1960, any building or part of a building used or designed for use for carrying on scientific research in the course of a trade or business.
- (2) In the foregoing subsection " scientific research " means any activity in the fields of natural or applied science for the extension of knowledge.
- (3) For the purposes of the provisions of section 21 of the said Act of 1960 and of subsection (1) of this section, premises which—
- (a) are used or designed for use for providing services or facilities ancillary to the use of other premises for the carrying on of any such process or research as is mentioned in those provisions ; and
 - (b) are or are to be comprised in the same building or in the same curtilage as those other premises,
- shall themselves be treated as used or designed for use for the carrying on of such a process or, as the case may be, of such research.
- (4) In subsection (6) of section 38 of the said Act of 1962 (power to prescribe classes of industrial buildings to which that section and section 39 of that Act applies) for the words " classes of industrial buildings " there shall be substituted the words " classes or descriptions of industrial buildings ", and in subsection (2) of the said section 39 after the word " class " in each place where it occurs there shall be inserted the words " or description ".
- (5) In the application of this section to Scotland—
- (a) in subsection (1) for the words " the Town and Country Planning Act 1962 (except Part VI thereof)" there shall be substituted the words " the Town and Country Planning (Scotland) Act 1947 ";

Status: This is the original version (as it was originally enacted).

- (b) the following subsection shall be substituted for subsection (4) of this section—

“(4) In subsection (4) of section 12 of the Town and Country Planning (Scotland) Act 1947 (under which development permission for the erection of industrial buildings of prescribed classes cannot be sought unless it is certified by the Board that the development in question can be carried out consistently with the proper distribution of industry) for the words ' industrial building of any class ' and ' industrial buildings of any such class' there shall be substituted the words ' industrial building of any class or description' and ' industrial buildings of any such class or description ' respectively.”

26 Application of s. 38(2) of Act of 1962 to development areas.

In subsection (2) of section 38 of the Town and Country Planning Act 1962 (which requires the Board to have particular regard, in connection with the grant of industrial development certificates, to the need for providing appropriate employment in development districts) for the words " development districts " there shall be substituted the words " development areas " ; and in subsection (6) of that section (definitions) for the words from " ' development district' " onwards there shall be substituted the words " ' development area' means any area for the time being specified as such under section 15 of the Industrial Development Act 1966 and subsection (6) of that section (which provides for references to a development area in certain provisions to have effect as if certain localities outside that area were included therein) shall apply to any such reference in this section. "

27 Interpretation.

- (1) Section 221(1) of the Town and Country Planning Act 1962 shall apply for the purposes of this Part of this Act, in its application to England and Wales, as it applies for the purposes of that Act.
- (2) The following provisions shall apply for the purposes of this Part of this Act, in its application to Scotland, as they apply for the purposes of the Acts in which they are contained—
- (a) section 113(1) of the Town and Country Planning (Scotland) Act 1947;
 - (b) section 69(1) of the Town and Country Planning (Scotland) Act 1954;
 - (c) section 54(1) of the Town and Country Planning (Scotland) Act 1959.