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SCHEDULES

SCHEDULE 2

Section 17.

PROVISIONS AS TO ESTABLISHED USE CERTIFICATES.

Application for certificate and appeal against refusal thereof

- 1 An application for an established use certificate shall be made in such manner as may be prescribed by a development order, and shall include such particulars, and be verified by such evidence, as may be required by such an order or by any directions given thereunder, or by the local planning authority or, in the case of an application referred to the Minister, by him.
- 2 Provision may be made by a development order for regulating the manner in which applications for established use certificates are to be dealt with by local planning authorities, and, in particular,—
 - (a) for requiring the authority to give to any applicant for such a certificate, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with ;
 - (b) for requiring the authority to give to the Minister and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for such certificates made to the authority, including information as to the manner in which any such application has been dealt with.
- 3 (1) A development order may provide that an application for an established use certificate, or an appeal against the refusal of such an application, shall not be entertained unless it is accompanied by a certificate in such form as may be prescribed by the order and corresponding to one or other of those described in paragraphs (a) to (d) of section 16(1) of the principal Act (requirement of certificate that the applicant is the owner of the land or has given notice to the owners of his intended application, or has tried to do so) ; and any such order may—
 - (a) include requirements corresponding to section 16(2) and (3) (contents of certificate), section 16(4) (planning authority not to determine application for a certain period) and section 17(3) (duty of planning authority and Minister on appeal to take into account representations by owners, tenants, etc.) of the principal Act; and
 - (b) make provision as to who, in the case of any land, is to be treated as the owner for the purposes of any provision of the order made by virtue of this sub-paragraph.
- (2) If any person issues a certificate which purports to comply with any provision of a development order made by virtue of sub-paragraph (1) above and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he

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shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

Provisions with respect to grant of certificate

- 4 An established use certificate shall be in such form as may be prescribed by a development order and shall specify—
- (a) the land to which the certificate relates and any use thereof which is certified by the certificate as established ;
 - (b) by reference to the paragraphs of section 17(1) of this Act, the grounds on which that use is so certified ; and
 - (c) the date on which the application for the certificate was made, which shall be the date at which the use is certified as established.
- 5 Where the Minister grants an established use certificate, he shall give notice to the local planning authority of that fact.
- 6 In section 19(4) of the principal Act (register of decisions on planning applications) references to applications for planning permission shall include references to applications for established use certificates ; and the information which may be prescribed as being required to be contained in a register kept under that subsection shall include information with respect to established use certificates granted by the Minister.