



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART XI

#### STATUTORY UNDERTAKERS

##### *Preliminary*

#### **222 Meaning of "operational land"**

In this Act "operational land" means, in relation to statutory undertakers—

- (a) land which is used for the purpose of carrying on then undertaking; and
- (b) land in which an interest is held for that purpose,

not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

#### **223 Cases in which land is to be treated as not being operational land**

- (1) Where an interest in land is held by statutory undertakers for the purpose of carrying on their undertaking and—
  - (a) the interest was acquired by them on or after 6th December 1968; or
  - (b) it was held by them immediately before that date but the circumstances were then such that the land did not fall to be treated as operational land for the purposes of the Act of 1962,

then subsection (2) of this section shall have effect for the purpose of determining whether the land is to be treated as operational land for the purposes of this Act and shall so have effect notwithstanding the definition of operational land in section 222 of this Act.

- (2) The land shall not be treated as operational land for the purposes of this Act unless one or both of the following conditions are satisfied with respect to it, namely—

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*Status: This is the original version (as it was originally enacted).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

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- (a) there is, or at some time has been, in force with respect to the land a specific planning permission for its development and that development, if carried out, would involve or have involved the use of the land for the purpose of the carrying on of the statutory undertakers' undertaking; or
  - (b) the undertakers' interest in the land was acquired by them as the result of a transfer under the provisions of the Transport Act 1968 from other statutory undertakers and the land was, immediately before transfer, operational land of those other undertakers.
- (3) A specific planning permission for the purpose of subsection (2) (a) of this section is a planning permission—
- (a) granted on an application in that behalf under Part III of this Act or the enactments previously in force and replaced by that Part of this Act; or
  - (b) granted by provisions of a development order granting planning permission generally for development which has received specific parliamentary approval; or
  - (c) granted by a special development order in respect of development specifically described in the order; or
  - (d) deemed to be granted by virtue of a direction of a government department under section 40 of this Act, section 41 of the Act of 1962 or section 35 of the Act of 1947;

and the reference in paragraph (b) of this subsection to development which has received specific parliamentary approval shall be construed as referring to development authorised by a local or private Act of Parliament or by an order approved by both Houses of Parliament or by an order which has been brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act 1945, being an Act or order which designates specifically both the nature of the development thereby authorised and the land upon which it may be carried out.

## **224 Meaning of "the appropriate Minister"**

- (1) In this Act " the appropriate Minister"—
- (a) in relation to statutory undertakers carrying on an under taking for the supply of electricity, gas or hydraulic power, means the Secretary of State for Trade and Industry;
  - (b) in relation to statutory undertakers carrying on a light house undertaking, means the said Secretary of State or the Board of Trade ;
  - (c) in relation to statutory undertakers carrying on an under taking for the supply of water, means, in the application of this Act to Wales, the Secretary of State for Wales; and
  - (d) in relation to any other statutory undertakers, means the Secretary of State for the Environment.
- (2) This Act shall have effect as if references to the Secretary of State and the appropriate Minister—
- (a) were references to the Secretary of State and the appropriate Minister, if the appropriate Minister is not the one concerned as the Secretary of State; and
  - (b) were references to the one concerned as the Secretary of State alone, if he is also the appropriate Minister;

and similarly with references to a Minister and the appropriate Minister and with any provision requiring the Secretary of State to act jointly with the appropriate Minister.