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SCHEDULE 24

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

GENERAL PROVISIONS

- 1 (1) In so far as anything done under an enactment repealed by this Act could have been done under a corresponding provision in this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- (2) Sub-paragraph (1) of this paragraph applies, in particular, to any order, regulation, rule, development plan or amendment or alteration of a development plan, application, objection, representation, determination, decision, reference, appeal, declaration, agreement, arrangement, claim or apportionment made, payment made or recovered, report or proposal submitted, list or amendment of a list compiled or made, permission granted, consent, approval or authorisation given, certificate, permit, information or direction issued or given, enforcement or other notice or copy served, published or registered, inquiry held, delegation effected, register kept and requirement imposed.
- (3) In relation to any permission which (whether by virtue of an enactment repealed by this Act or otherwise) was deemed to be granted under an enactment repealed by this Act, sub-paragraph (1) of this paragraph shall apply as it applies to permission granted under such an enactment.
- (4) Sub-paragraph (1) of this paragraph shall not apply to any regulations or order revoked as from the commencement of this Act in the exercise of the powers conferred by section 294.
- 2 Without prejudice to section 291 of, and Schedule 23 to, this Act, where any Act (whether passed before, or in the same Session as this Act) or any document refers, either expressly, or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.
- 3 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- 4 Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of the corresponding provisions of the enactments repealed by this Act.
- 5 (1) Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.
- (2) Where an offence, for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken

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under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.

- 6 (1) Any reference in this Act to an order or scheme made or confirmed under an enactment which is not repealed by, and re-enacted (with or without modifications) in, this Act, shall be construed as a reference to any order or scheme so made or confirmed whether before or after the commencement of this Act.
- (2) Without prejudice to sub-paragraph (1) of this paragraph, any reference in this Act to an order or scheme made or confirmed under an enactment contained in the Highways Act 1959 or the New Towns Act 1965, or under any other such enactment as is mentioned in that sub-paragraph, shall be construed as including a reference to any order or scheme made or confirmed under any corresponding provisions of an enactment repealed by the said Act of 1959 or 1965, or repealed by the enactment in question, as the case may be.
- 7 In the preceding provisions of this Part of this Schedule, references (however expressed) to things done under enactments repealed by this Act shall be construed, in relation to the Act of 1962, as including references to things which, by virtue of paragraph 18 of Schedule 13 or Part I of Schedule 14 to the Act of 1962 fell to be treated as if done under that Act.

PART II

CENTRAL AND LOCAL ADMINISTRATION

Transfer of property and officers to local planning authorities

- 8 Nothing in this Act or the Act of 1962 shall affect, or be treated as having affected, the operation of any regulations made by virtue of section 101 of the Act of 1947 (provisions for transfer of property and officers to local planning authorities and for other matters consequential upon or supplementary to section 4 of that Act) in so far as any such regulations do not have effect in accordance with paragraph 1 of this Schedule.

Delegation of functions: compensation in respect of tree preservation orders

- 9 The terms of any delegation of functions by a local planning authority effected in pursuance of section 3 of the Act of 1962 before 4th August 1968 may be varied, so as to take account of any liability under section 175 of this Act of a local authority to whom functions have been so delegated, in such manner as the local planning authority and the other local authority may agree, or, if they fail to agree, as may be determined by the Secretary of State.

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PART III

DEVELOPMENT PLANS

Designation of land as subject to compulsory acquisition

- 10 The repeal by the Act of 1968 of the provisions of Part II of the Act of 1962 relating to the designation of land as subject to compulsory acquisition and to land so designated (which are accordingly not reproduced in Schedule 5 to this Act) shall not affect proposals for alterations or additions to a development plan submitted under section 6 of that Act before 1st April 1969, and the powers of the Secretary of State in relation to such proposals shall continue to be exercisable as if those provisions had not been repealed and had been reproduced in that Schedule.

Effect of existing commencement orders

- 11 (1) In relation to so much of any order made under section 105 of the Act of 1968 (commencement) as brings into operation any of the provisions of that Act specified in the Table below, paragraphs 1 and 2 of this Schedule shall have effect subject to this paragraph.
- (2) So far as the order brings any of the said provisions into operation it shall have effect as if it were an order made under section 21(2) of this Act repealing the provisions of this Act set out opposite to the first-mentioned provisions in the said Table.
- (3) Any transitional provision made by the order in connection with any of the said provisions of the Act of 1968 which it brings into operation shall be construed so as to produce a corresponding effect in connection with the provisions of this Act which by virtue of this paragraph it is treated as repealing. Table

Provision of Act of 1968 brought into operation	Provision of this Act treated as repealed
In Schedule 9, paragraph 5.	In Schedule 6, paragraphs 3, 4, 5 and 7.
In Schedule 9, paragraph 35(a).	In Schedule 6, paragraph 2.
In Schedule 9, paragraph 54.	In Schedule 6, paragraph 9.
In. Schedule 9, paragraph 55(a) as respects sections 1 to 12 of the Act of 1962.	In Schedule 6, paragraph 11.
In Schedule 11, the repeal of any provision of Part II of the Act of 1962.	In Schedule 5, the corresponding provision of Part I.
In Schedule 11, the repeal of section 210 of the Act of 1962.	In Schedule 6, paragraph 6.
In Schedule 11, the repeal of the definition of " development plan " in section 221(1) of the Act of 1962.	In Schedule 6, paragraphs and 8.
In Schedule 11, the repeal in section 24(6) of the London Government Act 1963.	In Schedule 6, paragraph 10.

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In Schedule 11, the repeal of any provision of sections 25 to 27 of the London Government Act 1963.	In Schedule 5, the corresponding provision of Part II.
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PART IV

GENERAL PLANNING CONTROL

Planning permission: general

- 12 Subsection (1) of section 23 of this Act applies (subject to the provisions of that section) to the carrying out of development whether before or after the commencement of this Act, except that it does not apply to development carried out on or before the appointed day.
- 13 In sections 26 and 27 of this Act references to an application for planning permission do not include references to any application made before 16th August 1959.
- 14 Subsection (2)(b) of section 26, and the other provisions of that section relating to subsection (2)(b), do not apply to my application made before 1st April 1969.
- 15 Where by virtue of paragraph 12 of Schedule 14 to the Act of 1962 (works for making good war damage which were begun between the appointed day and 13th December 1950) any works were, immediately before the commencement of this Act, treated for the purposes of that Act as if planning permission had been granted unconditionally in respect thereof, those works shall be so treated for the purposes of this Act also.
- 16 For the purposes of paragraph 1 of this Schedule, any order made or having effect as if made by virtue of subsection (3) of section 19 of the Act of 1962, being an order which was saved on the repeal of that subsection by the Secretary of State for the Environment Order 1970, shall be treated as having been made under provisions of the Act of 1962 corresponding to those of section 31 of this Act notwithstanding the omission from the said section 31 of provisions corresponding to those of the said section 19 which were repealed as aforesaid.

Review of planning decisions and orders under Part V of Act of 1954

- 17 For the purposes of paragraph 1 of this Schedule, any direction given under section 45(3) or (4) of the Act of 1954, whether before or (by virtue of paragraph 79 of this Schedule) after the commencement of this Act, as well as any direction given under section 23 of that Act or section 25 of the Act of 1962, shall be treated as a direction which could have been given under provisions of the Act of 1962 corresponding to those of section 38 of this Act.

Duration of planning permission

- 18 Sections 41 and 42 of this Act do not apply to planning permissions granted or deemed to have been granted before 1st April 1969.
- 19 (1) Subject to sub-paragraph (2) of this paragraph, every planning permission granted or deemed to have been granted before 1st April 1969 shall, if the development to which it relates had not been begun before the beginning of 1968, be deemed to have

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been granted subject to a condition that the development must be begun not later than the expiration of five -years beginning with 1st April 1969.

- (2) Sub-paragraph (1) of this paragraph does not apply—
- (a) to any planning permission which was granted or deemed to be granted before 1st April 1969 subject to an express condition that the development to which it relates should be begun, or be completed, not later than a specified date or within a specified period ; or
 - (b) to any such planning permission as is mentioned in section 41(3) of this Act.
- 20 (1) Subject to sub-paragraph (2) of this paragraph, where before 1st April 1969 outline planning permission (as defined by section 42 of this Act) has been granted for development consisting in or including the carrying out of building or other operations, and the development has not been begun before the beginning of 1968, that planning permission shall be deemed to have been granted subject to conditions to the following effect—
- (a) that, in the case of any reserved matter (as defined in that section), application for approval must be made not later than the expiration of three years beginning with 1st April 1969; and
 - (b) that the development to which the permission relates must be begun not later than whichever is the later of the following dates—
 - (i) the expiration of five years from 1st April 1969 ; or
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (2) Sub-paragraph (1) of this paragraph does not apply to any planning permission granted before 1st April 1969 subject to an express condition that the development to which it relates should be begun, or be completed, or that application for approval of any reserved matter should be made, not later than a specified date or within a specified period.
- 21 (1) In sections 30(3), 43(1), (5), (6) and (7), 44 and 46(6) of this Act references to section 41 and 42 of this Act shall respectively include references to paragraphs 19 and 20 of this Schedule.
- (2) 'In sections 147(3), 169(7), 180(4) and 237(5) of this Act references to the conditions referred to in sections 41 and 42 of this Act shall include references to the conditions referred to in paragraphs 19 and 20 of this Schedule.
- 22 Until the coming into operation of the first regulations to be made for the purposes of paragraph (c) of section 43(3) of this Act (or the corresponding enactment previously in force), regulations made for the purposes of section 99(2) of the Land Commission Act 1967 shall have effect as if made also for the purposes of that paragraph.

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PART V

ADDITIONAL CONTROL IN SPECIAL CASES

Buildings of architectural or historic interest

- 23 Section 55(1) of this Act does not apply to any works executed or caused to be executed before 1st January 1969.
- 24 (1) Where, before 1st January 1969, consent under a building preservation order was given, either by the local planning authority or by the Minister on appeal, for the execution of any works, the consent shall operate in respect of those works as listed building consent, subject to the same conditions (if any) as were attached to the consent under the building preservation order.
- (2) In the case of demolition works for which consent was given under a building preservation order compliance with section 55(2)(b) of this Act shall not be required.

Replacement of trees

- 25 Section 59 of this Act does not apply in relation to planning permission granted before 28th August 1967.

Industrial development

- 26 (1) So much of sections 66 to 72 of this Act as corresponds to provisions of the Industrial Development Act 1966 does not apply in relation to any application for planning permission made, or any industrial development certificate issued, before 19th August 1966 ; and so much of those sections as corresponds to provisions of the Local Employment Act 1960 does not apply in relation to any application for planning permission made before 1st April 1960.
- (2) Section 70(3)(b) of this Act does not apply to any industrial development certificate issued before 1st April 1969.
- (3) In relation to an application for planning permission made before 1st April 1960, " industrial building " has the meaning assigned to it in section 15 of the Distribution of Industry Act 1945.
- (4) In relation to a relevant application (as defined in subsection (4) of section 68 of this Act) on which a planning decision was made before 5th August 1965, that section shall have effect as if it contained provisions corresponding to those of section 39 of the Act of 1962 without the amendments made by section 20 of the Control of Office and Industrial Development Act 1965.
- 27 Without prejudice to Part I of this Schedule, any order in force at the commencement of this Act under section 19 of the Control of Office and Industrial Development Act 1965 shall have effect as an order under section 69 of this Act, and section 68 of this Act shall accordingly have effect subject to the provisions of that order.

Office development

- 28 (1) Subject to paragraph 29 of this Schedule, sections 74 and 75 of this Act do not apply to any application for planning permission made before 5th August 1965.

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- (2) Section 78 of this Act does not apply to any planning permission granted before 5th August 1965 and, in relation to any planning permission granted on or after 5th August 1965 and before 1st April 1969, shall have effect as if it contained provisions corresponding to section 7 of the Control of Office and Industrial Development Act 1965 (so far as applicable to such a permission) without the amendments made by section 84 of the Act of 1968.
- (3) Section 76(2) of this Act does not apply to any application for planning permission made before 1st April 1969 and sections 79 and 80 of this Act do not apply to any planning permission granted before 1st April 1969.
- 29 (1) Sections 74 and 75 of this Act apply in relation to an application for planning permission to carry out development to which those sections apply on land within the metropolitan region (as defined in section 85 of this Act) which was made before 5th August 1965 but on which no planning decision had been made before that date.
- (2) In its application, by virtue of sub-paragraph (1) of this paragraph, in relation to an application made before the said date, section 74(1) of this Act shall have effect as if for the words ". together with the application" there were substituted the words
- "as soon as practicable after the permit is issued".
- 30 Without prejudice to Part I of this Schedule, any order in force at the commencement of this Act under section 2(7) of the Control of Office and Industrial Development Act 1965 shall have effect as an order under subsection (8) of section 75 of this Act, and subsection (7) of that section shall accordingly have effect subject to the provisions of that order.

PART VI

ENFORCEMENT OF CONTROL

Enforcement notices under enactments in force before 1st April 1969

- 31 (1) This paragraph applies to any enforcement notice which was served before 1st April 1969 on the owner and occupier of the land to which it related under section 45 of the Act of 1962 or which has effect by virtue of paragraph 1 of Schedule 14 to that Act or to which paragraph 32, 33 or 34 of this Schedule applies.
- (2) In relation to any such notice—
- (a) the provisions of this Act (other than this Schedule) shall not apply ;
- (b) notwithstanding their repeal or amendment by the Act of 1968, the provisions of the Act of 1962 and of any other Act passed before the Act of 1968 shall, subject to the subsequent provisions of this Schedule, have effect as they would have had effect in relation to the notice if the Act of 1968 and this Act had not been passed.
- (3) In relation to an enforcement notice served before 1st April 1969, paragraph 4 of Schedule 12 to this Act shall have effect as if the references to provisions of this Act were references to the corresponding provisions of the Act of 1962.
- (4) Nothing in this paragraph shall prevent the withdrawal, on or after 1st April 1969, of an enforcement notice so served or the service thereafter of an enforcement notice under Part V of this Act.

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Enforcement notices served before 29th August 1960

- 32 (1) This paragraph applies to any enforcement notice served before 29th August 1960 on the owner and occupier of the land to which it related other than a notice to which paragraph 33 of this Schedule applies.
- (2) In relation to any such notice—
- (a) sections 45 to 49 and section 177(1) of the Act of 1962 shall not apply ;
 - (b) notwithstanding their repeal by the Act of 1962, sections 23 and 24 of the Act of 1947 shall have effect as they would have had effect in relation to the notice if the Act of 1962 had not been passed ;
 - (c) section 50 of the Act of 1962 shall not apply if the planning permission in question was granted before the said 29th August;
 - (d) for the references in section 51(3) and (4) of the Act of 1962 to section 48 of that Act, there shall be substituted references to section 24(1) of the Act of 1947 and in section 51(5) of the Act of 1962 the words from
“and no person” onwards shall be omitted.

Enforcement notices served by virtue of section 75 of Act of 1947

- 33 (1) This paragraph applies to any enforcement notice served before the commencement of this Act by virtue of section 75 of the Act of 1947 (which related to development contravening planning control under the enactments repealed by that Act), being a notice which had not ceased for all purposes to have effect before the commencement of this Act.
- (2) The repeal by the Act of 1962 of the said section 75 shall not invalidate any enforcement notice to which this paragraph applies.
- (3) In relation to any such notice which was served before 29th August 1960 on the owner and occupier of the land to which it related—
- (a) sections 45 to 49 of the Act of 1962 shall not apply ;
 - (b) sections 23 and 24 of the Act of 1947, as applied by section 75 of that Act, shall have effect as they would have had effect in relation to the notice if the Act of 1962 had not been passed; and
 - (c) section 50 of that Act shall not apply if the planning permission in question was granted before the said 29th August.
- (4) In relation to any enforcement notice to which this paragraph applies, not being a notice falling with sub-paragraph (3) of this paragraph, section 45(3) and (5) and (subject to paragraphs 35 to 38 of this Schedule) sections 46 to 51 of the Act of 1962 shall have effect as they have effect in relation to an enforcement notice served under section 45 of that Act.
- 34 (1) In so far as an enforcement notice could, if the Act of 1962 and this Act had not been passed, have been served by virtue of section 75 of the Act of 1947 at a time on or after the date of the commencement of this Act, in respect of any works or use of land of a description to which that section applied, there shall subsist by virtue of this paragraph a corresponding power in the like circumstances to serve an enforcement notice (to the like effect as that which could have been so served) in respect of those works or that use of land.
- (2) Section 45(3) and (5) and (subject to paragraphs 35 to 38 of this Schedule) sections 46 to 51 of the Act of 1962 shall have effect in relation to an enforcement notice

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served by virtue of this paragraph as they have effect in relation to an enforcement notice served under section 45 of that Act.

- 35 (1) Where an enforcement notice falling within paragraph 33(4) of this Schedule, or an enforcement notice served by virtue of paragraph 34 of this Schedule, was or is served in respect of any works being government war works within the meaning of the Requisitioned Land and War Works Act 1945, then, subject to the following provisions of this paragraph—
- (a) if the steps required by the notice have been taken by the owner or occupier of the land, any expenses reasonably incurred in that behalf shall be recoverable from the authority by whom the notice was served ;
 - (b) where the steps required by the notice have been taken by that authority, the authority shall not be entitled, under section 48 of the Act of 1962, to recover the expenses incurred by them in that behalf.
- (2) Where under section 2(1)(b) of the Compensation (Defence) Act 1939 compensation has been paid equal to the full cost (as estimated for the purposes of that compensation) of taking the steps required by the enforcement notice, sub-paragraph (1) of this paragraph shall not apply.
- (3) Where compensation has been paid in respect of the land, being either compensation under the said section 2(1)(b) but not equal to the full cost (as so estimated) of taking those steps, or being compensation under section 3(4) of that Act, the amount which by virtue of sub-paragraph (1) of this paragraph is recoverable from the authority by whom the enforcement notice was served, or, as the case may be, is not recoverable by that authority, shall be reduced so far as may be just having regard to the compensation so paid.
- 36 In the application of section 46 of the Act of 1962 to an enforcement notice by virtue of paragraph 33 or 34 of this Schedule, subsection (1) of that section shall have effect as if for paragraphs (b) and (c) there were substituted the following paragraph—
- “(b) that the works or use to which the enforcement notice relates are not works or a use to which section 75 of the Act of 1947 applies ””
- 37 (1) The power of a local planning authority under Part III of this Act to grant planning permission for the retention on land of buildings or works constructed or carried out before the date of application, or for the continuance of a use of land instituted before that date, shall include power to grant such permission in respect of any buildings or other works, or use of land, in respect of which that authority are empowered to serve an enforcement notice by virtue of paragraph 34 of this Schedule.
- (2) Where permission is so granted, paragraphs 33 to 35 of this Schedule shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of Part V of this Act with respect to the contravention of conditions subject to which planning permission has been granted.
- 38 Where in pursuance of paragraph 89(3) of this Schedule permission is granted for the retention on land of works, or the continuance of a use, authorised as mentioned in the said paragraph 89(3), such of the provisions of paragraphs 33 to 37 of this Schedule as (apart from this paragraph) would be applicable thereto shall cease to apply to those works or that use, but without prejudice to the application thereto of any provisions of Part V of this Act with respect to the contravention of conditions subject to which planning permission has been granted.

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- 39 The repeal by the Act of 1962 of section 75 of the Act of 1947 shall not affect the operation of any regulations made under subsection (8) of that section (which enabled provision to be made by regulations for applying the provisions of that section to contraventions, committed before the appointed day, of restrictions under enactments other than those relating to town and country planning) or of the provisions of that section as applied by any such regulations.

Enforcement of building preservation orders

- 40 The repeal by the Act of 1968 of section 30 of the Act of 1962 shall not prevent a council from taking such proceedings as could have been taken but for the repeal to enforce any building preservation order made under that section and for securing the restoration of a building to its former state; and in relation to any such proceedings the provisions of the order, and of any provisions of the Act of 1962 incorporated therein, shall continue to have the same effect as if the Act of 1968 had not been passed.

Enforcement of duties as to trees

- 41 Subsection (3) of section 103 of this Act shall have effect in relation to a notice served under that section before 1st April 1969 with the substitution for the words from
 “section 88(2)” to “directions” of the words “subsections (2) to (5) of section 46 of the Act of 1962”.

PART VII

ACQUISITION OF LAND ETC.

Consent of Minister to acquisition, appropriation or disposal of land

- 42 Nothing in Part I of this Schedule shall be construed as validating any transaction whereby a local authority purported, in the exercise of a power conferred by an enactment repealed by the Act of 1962, but without the consent of the Minister then required by that enactment—
- (a) to acquire land by agreement in pursuance of a contract made before 16th August 1959; or
 - (b) to appropriate or dispose of land before that date,
- notwithstanding that the transaction could have been validly effected without that consent under the corresponding provisions of Part VI of this Act.

Existing compulsory purchase orders

- 43 (1) Sections 112 and 113 of this Act shall not apply, and (notwithstanding their repeal by the Act of 1968) sections 67 and 68 of the Act of 1962 shall continue to apply to any land the acquisition of which was, immediately before 1st April 1969, authorised by a compulsory purchase order made by a local authority or statutory undertakers or by a Minister, or was then proposed to be authorised by such an order which had not been confirmed by a Minister or, as the case may be, had been prepared in draft by a Minister, but with respect to which a notice had then been published in accordance

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with paragraph 3(1)(a) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946.

- (2) The validity of a compulsory purchase order made under section 67, 68 or 69 of the Act of 1962 shall not be affected by the repeal by the Act of 1968 of the section under which the order was made ; and a compulsory purchase order made (but not confirmed), or made in draft, before the repeal of that section took effect may be confirmed or made thereunder as if the Act of 1968 had not been passed.
- 44 In relation to a compulsory purchase order confirmed under Part I of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946, or made under Part II of that Schedule, before 1st January 1966, section 132(4) of this Act shall have effect—
- (a) with the substitution for the words
- “the Compulsory Purchase Act 1965 in relation to” of the words “the Lands Clauses Acts as incorporated (by virtue of paragraph 1 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946) with ” ; and
- (b) with the substitution in paragraph (b) for the words
- “section 10 of the said Act of 1965 to the acquiring authority” of the words “section 68 of the Lands Clauses Consolidation Act 1845, to the promoters of the underaking”.
- 45 The repeals effected by the Act of 1962 shall not affect the validity of any order authorising the compulsory acquisition of any land—
- (a) under section 37(2) of the Act of 1947 (which enabled the Minister of Works or the Postmaster-General, during the period before a development plan had become operative with respect to any area, to be authorised in certain circumstances to acquire land compulsorily);
- (b) under section 38(2) of that Act (which enabled certain local authorities, during any such period, to be authorised in certain circumstances to acquire land compulsorily); or
- (c) under subsection (3) of section 38 of that Act in a case where the power conferred by that subsection was exercisable in lieu of the exercise of the power conferred by subsection (2) thereof,
- or of any notice served or other thing done in pursuance of any such order.
- 46 Any compulsory purchase order made or confirmed under Part I of the Act of 1944 (whether before or after the appointed day) shall, if in force immediately before the commencement of this Act, continue in force and shall have effect as if it had been made under the Acquisition of Land (Authorisation Procedure) Act 1946 as applied by Part VI of this Act.
- Application of Part VI to land acquired or
authorized: to be acquired under previous enactments*
- 47 The provisions of Part VI of this Act shall have effect in relation to land acquired, or authorised to be acquired, in pursuance of any such order as is mentioned in paragraph 45 of this Schedule as if—
- (a) in the case of land acquired, or authorised to be acquired, by a local authority, the land had been acquired, or authorised to be acquired, by that local authority under section 112 of this Act;

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- (b) in the case of land acquired, or authorised to be acquired, by a Minister, the land had been acquired, or authorised to be acquired, by that Minister under section 113 of this Act.
- 48 For the purposes of Part VI of this Act—
- (a) any land acquired by a local authority in pursuance of a compulsory purchase order under Part I of the Act of 1944 shall be deemed to have been acquired under section 112 of this Act;
- (b) any land acquired by a Minister in pursuance of any such order shall be deemed to have been acquired by him under section 113 of this Act;
- (c) any land acquired by a local authority by agreement under the Act of 1944 shall be deemed to have been acquired under section 119 of this Act
- 49 The reference in subsection (1) of section 133 of this Act to the acquisition of land under section 68 or 71 of the Act of 1962 shall include a reference to the acquisition of land under section 38 or 40 of the Act of 1947 ; and the reference in that subsection to the appropriation of land for purposes for which land can be or could have been acquired under the provisions there mentioned is a reference to the appropriation of land for those purposes whether before or after the commencement of this Act.

Provisions as to Central Land Board

- 50 Section 127 of this Act shall have effect in relation to land acquired by the Central Land Board under section 43 of the Act of 1947 as it has effect in relation to land acquired by a local authority for planning purposes (as defined by section 133(1) of this Act).

Application of Small Tenements Recovery Act 1838

- 51 Until such day as may be appointed under section 35(5) of the Rent Act 1965, section 130 of this Act shall have effect as if it contained a provision corresponding to section 84(4) of the Act of 1962, the reference to Part V of that Act being construed as a reference to Part VI of this Act.

PART VIII

COMPENSATION UNDER PART VII OF THIS ACT

Compensation under Part V of Act of 1954

- 52 (1) Subject to the following provisions of this paragraph, for the purposes of the construction of sections 158 to 161 of this Act in accordance with Part I of this Schedule, any compensation (whether by way of principal or interest) under Part V of the Act of 1954, and any claim for, or notice registered in respect of, any such compensation, as well as any compensation under Part II of that Act, or any claim for, or notice registered in respect of, compensation under the said Part II, shall be treated as compensation or, as the case may be, a claim for, or a notice registered in respect of compensation, under provisions of that Act corresponding to those of Part VII of this Act.

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- (2) For the purposes of the construction of section 158 of this Act in accordance with sub-paragraph (1) of this paragraph in relation to Part V of the Act of 1954, any reference to a planning decision shall be construed as including a reference to an order under section 21 of the Act of 1947.
- (3) Where compensation under Part V of the Act of 1954 became or becomes payable in respect of an order modifying planning permission, then (notwithstanding anything in the preceding provisions of this paragraph) the provisions of sections 159 and 161 of this Act shall not apply to development in accordance with that permission as modified by the order.

Provision excluding recovery of compensation

- 53 For the purposes of the construction, in accordance with Part I of this Schedule, of section 160(4) of this Act—
- (a) the provisions of section 52(6) of the Act of 1954 as originally enacted; and
 - (b) those provisions as applied by any regulations made under section 52(8) of that Act,
- as well as the provisions of the said section 52(6) as amended by section 51 of the Act of 1959, shall be treated as provisions corresponding to those of section 257 of this Act.

PART IX

COMPENSATION UNDER PART VIII OF THIS ACT

Compensation to statutory undertakers

- 54 Subsection (3) of section 165 of this Act shall not apply where the refusal or grant of planning permission referred to in subsection (1)(c) of that section was before 6th December 1968.

Contribution by Secretary of State towards compensation

- 55 For the purposes of the construction of section 167(1) of this Act in accordance with Part I of this Schedule, any compensation which could have been claimed and would have been payable under Part V of the Act of 1954, as well as any compensation which could have been claimed and would have been payable under Part II of that Act, shall be treated as compensation which could have been claimed and would have been payable under provisions of that Act corresponding to the provisions of Part VII of this Act.

Recovery of compensation

- 56 For the purposes of the construction of section 168(3) of this Act in accordance with Part I of this Schedule, any grant paid—
- (a) under the provisions of the section substituted by section 50 of the Act of 1954 for section 93 of the Act of 1947, but without the amendments made by the Local Government Act 1958 ; or
 - (b) under the provisions of Part IX of the Act of 1947 as originally enacted,

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as well as any grant paid under the provisions of the said section 93 as in force immediately before the commencement of the Act of 1962, shall be treated as a grant paid under provisions corresponding to those of Part XIII of this Act.

PART X

BLIGHT NOTICES

Notices served before 1st April 1969

- 57 In relation to a notice served under section 139 of the Act of 1962 before 1st April 1969, and to any hereditament or agricultural unit which is the subject of the notice, sections 194 to 207 of this Act shall, on and after that date, have effect as if they contained the provisions in sections 140 to 151 of the Act of 1962 without any of the amendments made by Part IV of the Act of 1968.

Temporary inclusion of additional description of blighted land

- 58 (1) For the purposes of the application of sections 192 to 207 of this Act to a district to which this paragraph applies—
- (a) the description of land contained in section 138(1)(b) of the Act of 1962 shall be included among the specified descriptions as defined in section 192(6) of this Act; and
 - (b) in sections 193(3) and 206(2) of this Act references to paragraph (b) of section 192(1) of this Act shall include references to the said section 138(1)(b).
- (2) This paragraph applies to any district for which no local plan is in force under Part II of this Act—
- (a) allocating any land in the district for the purposes of such functions as are mentioned in section 192(1)(a) of this Act; or
 - (b) defining any land in the district as the site of proposed development for the purposes of any such functions.

PART XI

HIGHWAYS

Provisions as to telegraphic lines

- 59 (1) In relation to an order made under section 153 of the Act of 1962 before 1st October 1969 or, as the case may be, an order under section 155 of that Act in respect of which the notice required by section 154 of that Act was published before that date, section 220(1), (2) and (3) of this Act shall have effect as if references to a telegraphic line belonging to or used by the Post Office were references to a telegraphic line belonging to or used by the Postmaster-General.
- (2) Where the period referred to in paragraph (a) of subsection (3) of section 220 of this Act began to run before, and was current on, the said date, that paragraph shall have effect as if the reference to notice having been given by the Post Office before the end of that period included a reference to notice having been so given by the Postmaster-

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General, and paragraph (c) of that subsection shall have effect as if the reference to the Post Office included a reference to the Postmaster-General.

PART XII

STATUTORY UNDERTAKERS

Application of ss.225 to 231 to matters arising before 6th December 1968

- 60 (1) This paragraph shall have effect as respects the application, by virtue of Part I of this Schedule/of the provisions of this Act hereinafter specified in relation to matters arising before 6th December 1968 (in this paragraph referred to as " the relevant date ").
- (2) In relation to any application for planning permission made before the relevant date or any appeal from the decision on an application so made, section 225 of this Act shall have effect as if it contained provisions corresponding to section 159(2) and (5) of the Act of 1962 and as if subsection (2)(b) were omitted.
- (3) In relation to any decision made before the relevant date, section 226 of this Act shall have effect as if it contained provisions corresponding to section 160(1) of the Act of 1962.
- (4) In relation to any order of which notice has been given under section 161(2) of the Act of 1962 before the relevant date, section 227 of this Act shall have effect as if it contained provisions corresponding to the said section 161(2).
- (5) In relation to any order of which notice has been given under section 162(2) of the Act of 1962 before the relevant date, section 228 of this Act shall have effect as if it contained provisions corresponding to the said section 162(2).
- (6) In relation to a compulsory purchase order made or confirmed before the relevant date, section 229 of this Act shall have effect as if it contained provisions corresponding to section 163(3)(d) of the Act of 1962.
- (7) In relation to any order made before the relevant date under section 164 of the Act of 1962, section 231 of this Act shall have effect as if it contained provisions corresponding to section 165(3) of the Act of 1962.

Extinguishment of rights: notices served before 6th December 1968

- 61 In relation to a notice served before 6th December 1968, section 230(1) of this Act shall have effect with the omission—
- (a) of the words from " if satisfied " to " appropriated " ; and
 - (b) of the words from "of twenty-eight days" to "as may be"

Application of section 230 to land acquired by Central Land Board

- 62 In section 230(1) of this Act, the reference to land acquired by a Minister, a local authority or statutory undertakers under Part VI of this Act shall be construed as including a reference to land acquired by the Central Land Board under Part IV of the Act of 1947, as well as to land acquired under the said Part IV by a Minister, a local authority or statutory undertakers.

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Right to compensation for decisions made before 6th December 1968

- 63 In its application, by virtue of Part I of this Schedule, to a decision made before 6th December 1968, section 237 of this Act shall have effect as if for subsection (1)(a) there were substituted provisions corresponding to section 170(1)(a) and (b) of the Act of 1962 and as if subsection (5) contained a proviso, corresponding to that in section 170(3) of the Act of 1962.

Enactments applying section 25 of Act of 1944

- 64 (1) This paragraph shall have effect for the purposes of any enactment which applies the provisions of section 25 of the Act of 1944 with adaptations consisting of or including adaptations of the references in that section to a purchasing authority or to the purchasing or appropriating authority.
- (2) Any such enactment shall be construed (in accordance with Part I of this Schedule or section 38 of the Interpretation Act 1889) as applying the provisions of section 230- and section 237(2) of this Act with corresponding adaptations of the references in those provisions to a Minister, a local authority or statutory undertakers, or to the acquiring or appropriating authority, as the case may require.

PART XIII

VALIDITY OF PLANNING DECISIONS ETC.

Orders made and action taken before 16th August 1959

- 65 (1) Notwithstanding anything in Part I of this Schedule, the provisions of section 242 of this Act shall not have effect in relation to—
- (a) any order made before 16th August 1959 under any of the provisions of the Act of 1947 corresponding to the provisions of this Act under which the orders mentioned in subsection (2) of that section can be made ; or
 - (b) any action on the part of the Minister of Housing and Local Government taken before the said 16th August under any of the provisions of that Act or of the Act of 1954 corresponding to the provisions of this Act under which action of the descriptions mentioned in subsection (3) of that section can be taken,
- and section 245 does not apply to any such order or action as is mentioned in this sub-paragraph.
- (2) In relation to any action which, in accordance with any provisions of the Act of 1947 corresponding to provisions of Part XI of this Act, was required to be taken by the said Minister and the appropriate Minister, the reference in sub-paragraph (1) of this paragraph to the said Minister shall be construed as a reference to that Minister and the appropriate Minister.
- 66 Section 247 of this Act does not apply to any decision of the Minister of Housing and Local Government made before 16th August 1959 under any of the provisions of the Act of 1947 corresponding to the provisions of this Act mentioned in subsection (2) of that section.

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Notices relating to waste land and listed buildings

- 67 (1) Section 243(3) of this Act does not apply to any notice served before 29th August 1960 under section 33(1) of the Act of 1947.
- (2) Notwithstanding anything in this Act or the Act of 1968, section 177(3) of the Act of 1962 shall continue to have effect as originally enacted in relation to a notice served (or treated as served) under section 52 of the Act of 1962 on or after 29th August 1960 and before 1st January 1969.

Directions under Part V of Act of 1954

- 68 For the purposes of the construction, in accordance with Part I of this Schedule, of section 242(3)(c) of this Act (but without prejudice to paragraph 65(1) of this Schedule) any directions given on or after 16th August 1959 by the Minister of Housing and Local Government under section 45(3) or (4) of the Act of 1954, as well as any direction given by the Minister on or after that day under section 23 of that Act, shall be treated as a direction given under provisions of that Act corresponding to the provisions of section 38 of this Act.

PART XIV

FINANCIAL PROVISIONS

Grants

- 69 Nothing in this Act shall affect the payment (whether before or after the commencement of this Act) of any grant in respect of any period before the commencement of this Act.
- 70 Section 250 of this Act does not apply to any year earlier than the year ending on 31st March 1968.

Recovery of sums from acquiring authorities

- 71 (1) In relation to any acquisition or sale of an interest in land in pursuance of a notice to treat served, or contract made, before 30th October 1958—
- (a) Section 257 of this Act shall not apply ;
 - (b) the repeals effected by the Act of 1962 shall not affect any right of recovering any sum in respect thereof under the provisions of section 52(6) of the Act of 1954 as originally enacted, or under those provisions as applied by regulations made under section 52(8) of that Act.
- (2) Subject to sub-paragraph (1) of this paragraph, section 257 of this Act shall have effect in relation to interests in land acquired or sold as therein mentioned whether before or after the commencement of this Act; and for the purposes of the construction of that section in accordance with Part I of this Schedule, any notice registered under the provisions of section 28 of the Act of 1954 as applied by Part V of that Act, as well as any notice registered under those provisions as applied by Part IV of that Act, shall be treated as a notice registered under provisions of that Act corresponding to the provisions of this Act referred to in section 257 of this Act, and references in that section to compensation specified in a notice shall be construed accordingly.

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- 72 Section 258 of this Act shall have effect in relation to interests in land acquired or sold as therein mentioned whether before or after the commencement of this Act, except that it shall not have effect in relation to any acquisition or sale in pursuance of a notice to treat served, or contract made, before 6th August 1947.

Treatment of sums received under section 261(4) before 1st April 1968

- 73 Any sums received by the Minister of Housing and Local Government before 1st April 1968 by virtue of the provisions re-enacted in the provisions mentioned in section 261(4) of this Act shall be treated as paid in satisfaction, or part satisfaction, of such one or more of the instalments payable under subsections (2) and (3) of that section as the Treasury may determine.

PART XV

SPECIAL CASES

Minerals

- 74 The revocation by paragraph 43(1) of Schedule 14 to the Act of 1962 of Regulation 6 of the Town and Country Planning (Modification of Mines Act) Regulations 1948 (being regulations made under the provisions of the Act of 1947 corresponding to section 265 of this Act) does not affect the operation of any of the other provisions of those regulations in accordance with Part I of this Schedule.
- 75 (1) Regulation 10 of the Town and Country Planning (Minerals) Regulations 1954, and section 79 of the Act of 1947 as applied by that regulation, shall (notwithstanding the repeals effected by the Act of 1962) have effect after the date of the commencement of this Act in any case where they would have had effect after that date if the Act of 1962 had not been passed.
- (2) The said Regulation 10, in so far as it has effect in accordance with sub-paragraph (1) of this paragraph, may be revoked or varied by regulations made under section 264 of this Act as if it were a regulation made under that section.
- (3) In this paragraph any reference to the said Regulation 10 is a reference to that regulation as varied by any subsequent regulations.
- 76 In relation to any time before 10th April 1966; section 265 of this Act shall have effect as if for references to the Mines (Working Facilities and Support) Act 1966 there were substituted references to the Mines (Working Facilities and Support) Act 1923 ; and accordingly regulations made before that date which are in force at the commencement of this Act under section 198 of the Act of 1962, shall have effect as if made under the said section 265 and as if, in relation to any time on or after the said 10th April, references in them to the said Act of 1923 were references to the corresponding provisions of the said Act of 1966.

National Coal Board

- 77 Until the coming into operation of the first regulations made under section 204 of the Act of 1962 or section 273 of this Act after 6th December 1968 the provisions of Part X of the Act of 1962 applied by regulations under section 204(1) of the Act of 1962 in relation to the National Coal Board and land of that Board shall have

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effect as so applied as if Part XI of this Act contained provisions corresponding to Part X of the Act of 1962 without the amendments made by sections 69 to 71 of the Act of 1968.

Ecclesiastical property, settled land and land of universities and colleges

- 78 For the purposes of the construction of sections 274 and 275 of this Act in accordance with Part I of this Schedule, the provisions of section 46 of the Act of 1954, as well as the provisions of section 41 of that Act, shall be treated as provisions corresponding to those of section 168 of this Act.

PART XVI

MISCELLANEOUS AND SUPPLEMENTARY

Rights and liabilities in respect of certain payments

- 79 (1) The repeal effected by section 223 of the Act of 1962 shall not affect any right to, or claim for, or any liability in respect of, any payment under an enactment to which this paragraph applies ; and any such right, claim or liability shall have effect and may be enforced, and moneys in respect of any such payment shall be applicable or may be raised, in accordance with the provisions of the enactment in question (including the provisions of any other enactment which, immediately before the commencement of that Act, had effect for the purposes of that enactment) as if the Act of 1962 and this Act had not been passed, and any direction or proceedings relating thereto may be given, brought or continued accordingly.
- (2) This paragraph applies to the following enactments, that is to say—
- (a) Parts I and V of the Act of 1954 ;
 - (b) section 52(1) to (5) of that Act;
 - (c) the scheme made under section 59 of the Act of 1947 ;
 - (d) any other enactment which (if contained in an Act) was not repealed by, and re-enacted (with or without modifications) in the Act of 1962 or (if not contained in an Act) has effect otherwise than by virtue of an enactment so repealed and re-enacted.
- (3) Without prejudice to the preceding provisions of this paragraph, any proceedings relating to any such claim as is mentioned in section 135(1) of this Act may be brought or continued, and shall be determined in accordance with the relevant provisions (that is to say, the provisions of the Act of 1947 and of Schedule 1 to the Act of 1954 and any other enactment having effect for the purposes thereof) as if the Act of 1962 and this Act had not been passed.
- (4) Sub-paragraph (1) of this paragraph shall have effect in relation to any such right, claim or liability as is therein mentioned notwithstanding that, immediately before the commencement of this Act, the right, claim or liability had not yet accrued or been made or become enforceable, as the case may be:

Provided that, in relation to any such claim which had not been made before the commencement of this Act, so much of that sub-paragraph as provides that the claim shall have effect in accordance with the provisions therein mentioned shall

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be construed as providing that the claim may be made in accordance With those provisions, and, when made, shall have effect accordingly.

Registration of payments under s. 59 of Act of 1954

- 80 (1) The repeals effected by the Act of 1962 shall not affect the operation of subsections (1) and (2) of section 57 of the Act of 1954, in so far as those subsections would have continued to have effect if the Act of 1962 had not been passed.
- (2) In subsection (1) of the said section 57, the references to subsection (7) of section 52 of that Act and to paragraph (b) of the proviso to that subsection shall be construed as including references respectively to subsection (1) and to subsection (2) of section 258 of this Act.

Entitlement to, and amount of, compensation etc. in cases arising before 25th February 1963

- 81 Notwithstanding Part I of this Schedule, the following provisions of this Act, that is to say, sections 168(4), 169(3)(c) and (6), in section 180(2) the words "or which would contravene the condition set out in Schedule 18 to this Act", section 180(3), section 278(1) to (4), paragraph 13 of Schedule 8 and Schedule 18 do not affect—
- (a) any determination arising out of a notice to treat served before 25th February 1963, or served at any time in respect of a purchase notice or notice under section 139 of the Act of 1962 (or any corresponding enactment previously in force) which was served before that date ;
 - (b) any other determination under the Act of 1962 in respect of or arising out of a purchase notice served before that date;
 - (c) any claim for compensation under section 118 or 123 of the Act of 1962 (or any corresponding enactment previously in force) which arose before that date.

Definition of "local authority"

- 82 (1) In relation to any time before 1st April 1965 the definition of " local authority " in section 290(1) of this Act shall have effect—
- (a) as if it included a reference to a metropolitan borough; and
 - (b) as if for the words "the Greater London Council, the council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are " there were substituted the words
- “and any other authority being”.
- (2) For the purposes of the construction, in accordance with Part I of this Schedule, of any enactment which incorporates the definition of "local authority" in the Act of 1947, section 215 and the reference to it in section 290(1) of this Act shall be disregarded.

Saving for powers of Post Office

- 83 Except as provided by section 220 of this Act, nothing in the provisions of this Act specified in Part I of Schedule 21 to this Act or in any order or regulations made thereunder shall affect any powers or duties of the Post Office under the provisions of the Telegraph Acts 1863 to 1916 or apply to any telegraphic lines (within the meaning of the Telegraph Act 1878) placed or maintained by virtue of any of the provisions of those Acts.

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Saving in respect of works below high-water mark

- 84 Nothing in the provisions of this Act specified in Part I of Schedule 21 to this Act shall authorise the execution of any works (whether of construction, demolition or alteration) on, over or under tidal lands below high-water of ordinary spring tides, except—
- (a) with the consent of any persons whose consent would have been required if the Act of 1962 had not been passed ; and
 - (b) in accordance with such plans and sections, and subject to such restrictions and conditions, as may be approved by the Board of Trade or the Secretary of State before the works are begun.

Land Compensation Act 1961 s. 31

- 85 Any reference in this Act to the power conferred by section 31 of the Land Compensation Act 1961 to withdraw a notice to treat shall, in relation to any notice to treat falling within section 41 of that Act, be construed as a reference to the corresponding power conferred by section 5(2) of the Acquisition of Land (Assessment of Compensation) Act 1919.

References to Ministers: previous Transfer of Functions Orders

- 86 (1) Where the functions of a Minister under any enactment re-enacted or referred to in this Act have at any time been exercisable by another Minister or other Ministers, references in the relevant provision of this Act shall, as respects any such time, be construed as references to the other Minister or Ministers.
- (2) In this paragraph " Minister" includes the Board of Trade and the Treasury.

Schemes and agreements under enactments repealed by Act of 1941

- 87 (1) The repeal effected by the Act of 1962 shall not affect the operation of—
- (a) any such scheme as was mentioned in paragraph 7 of Schedule 10 to the Act of 1947 (which related to certain schemes made under the Town and Country Planning Act 1932 and the Town Planning Act 1925) in so far as, by virtue of that paragraph, the scheme continued to have effect immediately before the commencement of this Act; or
 - (b) any order made under that paragraph (which empowered the Minister to make provision by order for winding up any such scheme) in so far as the order continued to have effect immediately before the commencement of this Act.
- (2) Any power to make orders under paragraph 7 of that Schedule shall continue to be exercisable notwithstanding the said repeal.
- 88 (1) The repeal effected by the Act of 1962 shall not affect the operation of any such agreement as was mentioned in paragraph 10 of Schedule 10 to the Act of 1947 (which related to certain agreements made before the appointed day for restricting the planning, development or use of land), or of any order discharging or modifying a restriction imposed by such an agreement, in so far as any such agreement or order was in force immediately before the commencement of this Act; and any such agreement may be enforced as if the Act of 1962 and this Act had not been passed.

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- (2) Nothing in any such agreement shall be construed as restricting the exercise, in relation to land to which the agreement applies, of any powers exercisable by any Minister or authority under this Act, so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Secretary of State by virtue of paragraph 6 of Schedule 6 to this Act, or as requiring the exercise of any such powers otherwise than in accordance with such provisions or directions.
- (3) If the Secretary of State is satisfied, on application made to him by any person being a party to any such agreement, or a person entitled to land affected thereby, or by the local planning authority, that any restriction on the development or use of the land imposed by the agreement is inconsistent with the proper planning or development of the area comprising the land, he may by order discharge or modify that restriction so far as appears to him to be expedient.
- (4) Without prejudice to sub-paragraph (3) of this paragraph, if any person being a party to any such agreement (whether as originally made or as modified under that sub-paragraph), or a person entitled to land affected thereby, claims that the agreement ought to be modified or rescinded, having regard to the provisions of this Act or to anything done under this Act or under the Act of 1947 or the Act of 1962, he may refer to arbitration the question whether the agreement should be so modified or rescinded, and the arbitrator may make such award as appears to him to be just having regard to all the circumstances.

Development authorised under enactments repealed by Act of 1947

- 89
- (1) Where any works on land existing at the appointed day, or any use to which land was put on that day, had been authorised by a permission granted subject to conditions under a scheme under the Town and Country Planning Act 1932 (or under an enactment repealed by that Act) or under an order made under section 10(1) of that Act (in the subsequent provisions of this Schedule referred to as "a planning scheme" and "an interim development order") the provisions of Parts III and V of this Act, the provisions of Part IX of this Act relating to purchase notices, and the provisions of sections 225 to 228 of this Act, shall apply in relation to those works or that use as if the conditions had been imposed on the grant of planning permission.
 - (2) Without prejudice to the generality of sub-paragraph (1) of this paragraph, where any such permission was granted subject to conditions (in whatever form) restricting the period for which the works or use might be continued on the land, then, if that period had not expired at the appointed day and the works were or are not removed, or the use discontinued, at the end of that period, the provisions of Part V of this Act relating to enforcement notices shall apply in relation thereto as if the works had been carried out, or the use begun, as the case may be, at the end of that period and without the grant of planning permission in that behalf.
 - (3) The power of a local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of the application, or the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any works or use authorised by a permission granted subject to any such conditions as are mentioned in sub-paragraph (2) of this paragraph.
 - (4) Where at any time before the appointed day it was determined under the Building Restrictions (War-Time Contraventions) Act 1946 that any works on land or any use

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of land should be deemed to comply with planning control (within the meaning of that Act) subject to any conditions specified in the determination, the provisions of this paragraph shall apply in relation to those works or that use as if those conditions had been imposed on the grant of permission under a planning scheme or an interim development order.

- (5) Provision may be made by regulations under this Act for applying the preceding provisions of this paragraph, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in accordance with permission granted subject to conditions under any enactment repealed by the Act of 1947, other than the enactments relating to town and country planning; and for the purposes of this provision any works or use in respect of which a notice was served under subsection (1) of section 1 of the Restriction of Ribbon Development (Temporary Development) Act 1943 or was deemed by virtue of subsection (4) of that section to have been so served, shall be treated as carried out or begun in accordance with permission granted subject to a condition restricting the period for which the works or use might be continued on the land.
- 90 (1) Where permission for any development of land was granted, at any time after 21st July 1943 and before the appointed day, on an application in that behalf made under an interim development order, then, if and so far as that development was not carried out before the appointed day and the permission was in force immediately before that day, planning permission shall be deemed to have been granted in respect thereof subject to the like conditions (if any) as were imposed by the permission under the interim development order as it had effect immediately before the appointed day;
- Provided that this sub-paragraph shall not apply in relation to any development for which permission was required before the appointed day under the Restriction of Ribbon Development Act 1935 unless that permission was also granted.
- (2) The provisions of section 45 of this Act shall apply in relation to planning permission which is deemed to have been granted by virtue of this paragraph as if it had been granted on an application under Part III of this Act; and, in relation to any order made under that section for the revocation or modification of any such permission, any reference in section 164(3) of this Act to the grant of permission shall be construed as a reference to the grant of the permission under the interim development order.
- (3) Where permission for any development of land was granted as mentioned in sub-paragraph (1) of this paragraph, and permission for that development was also granted under the Restriction of Ribbon Development Act 1935 then, if the permission so granted under the said Act of 1935 was granted subject to conditions, those conditions shall be treated for the purposes of this paragraph as conditions imposed by the permission granted under the interim development order.
- 91 (1) Where any works for the erection or alteration of a building had been begun but not completed before the appointed day, then if—
- (a) immediately before that day those works could have been completed in conformity with the provisions of a planning scheme or of permission granted thereunder, or in accordance with permission granted by or under an interim development order; and
 - (b) where any permission was required under the Restriction of Ribbon Development Act 1935 for the carrying out of those works, that permission was granted,

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planning permission shall be deemed to have been granted in respect of the completion of those works.

- (2) The planning permission deemed to have been granted by virtue of this paragraph shall be deemed to have been so granted subject to any conditions applicable thereto under the scheme or the permission granted by or under the interim development order, as the case may be, and to any conditions imposed by the permission (if any) granted under the Restriction of Ribbon Development Act 1935 and shall include permission to use the building, when erected or altered—
- (a) where the purpose for which it could be so used was prescribed by or under the planning scheme, or by the permission granted by or under the interim development order, as the case may be, for that purpose ;
 - (b) in any other case, for the purpose for which the building, or the building as altered, was designed.
- (3) In relation to any such works as are mentioned in sub-paragraph (1) of this paragraph, being works in respect of which permission was granted after 21st July 1943, on an application in that behalf made under an interim development order, the provisions of this paragraph shall have effect in substitution for the provisions of paragraph 90 of this Schedule.
- 92 (1) Any reference in Part VII of this Act, or in Schedule 15 thereto, to a planning decision shall, where the context so admits, include a reference to any decision deemed to have been made by virtue of the provisions of paragraph 90 or paragraph 91 of this Schedule.
- (2) Sub-paragraph (1) of this paragraph shall have effect without prejudice to the provisions of Part I of this Schedule.

Appeals to the Crown Court

- 93 As respects any time before the coming into force of section 3 of the Courts Act 1971, sections 106, 114(7) and 117(6) of this Act shall have effect as if for references to the Crown Court there were substituted references to a court of quarter sessions.

Supplementary

- 94 (1) Where in this Act (including this Schedule except Part I thereof) express provision is made in respect of any matter, the provisions of Part I of this Schedule, in so far as they are applicable to that matter, shall have effect subject to that express provision.
- (2) Except as provided by sub-paragraph (1) of this paragraph, the mention in any provisions of this Act (including this Schedule except Part I thereof) of any matter to which Part I of this Schedule is applicable shall not be construed as affecting the generality of the provisions of Part I of this Schedule.