

SCHEDULES

SCHEDULE 3

FUNCTIONS OF AUTHORITY

PART I

PLANNING AND CONNECTED MATTERS

The Electricity (Supply) Act 1919

- 1 In section 21(2) of the Electricity (Supply) Act 1919 (meaning of “local planning authority” in relation to duty of Secretary of State to consult before consenting to overhead electricity lines), the words “and in relation to any land within the Broads (as defined by the Norfolk and Suffolk Broads Act 1988) it means the Broads Authority” shall be added after paragraph (b).

The National Parks and Access to the Countryside Act 1949

- 2 In the National Parks and Access to the Countryside Act 1949, the following section shall be inserted after section 111—

“111A Application to the Broads Authority

- (1) Sections 21 and 22 of this Act shall have effect as if the Broads Authority were a county council.
- (2) Sections 54 and 89 of this Act shall have effect as if the Broads Authority were a local planning authority.
- (3) Part V of this Act (apart from section 69) shall have effect as if the Broads Authority were a local planning authority but as if—
 - (a) sections 61 to 63, 74 and 78 were omitted; and
 - (b) for the purposes of sections 64, 65 and 77, the Broads were a National Park.
- (4) Section 69 of this Act shall have effect as if the Broads Authority were a county planning authority.
- (5) In this section “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

The Land Compensation Act 1961

- 3 In section 17 of the Land Compensation Act 1961 (certification of appropriate alternative development), the following subsections shall be added at the end—

Status: This is the original version (as it was originally enacted).

“(10) For the purposes of this section and sections 18 to 20 of this Act, the Broads Authority shall be the sole district planning authority in respect of the Broads.

(11) In subsection (10) above “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988”.

The Local Authorities (Historic Buildings) Act 1962

4 In section 1 of the Local Authorities (Historic Buildings) Act 1962 (power of local authority to contribute to preservation of historic buildings), the following subsections shall be added at the end—

“(5) In this section and in section 2 below “local authority”, in relation to a building within the Broads, includes the Broads Authority.

(6) In subsection (5) above “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

The Water Resources Act 1963

5 In section 54 of the Water Resources Act 1963 (general regulations relating to licences), the words “and the Broads Authority” shall be added at the end of subsection (3).

The Countryside Act 1968

6 In the Countryside Act 1968, the following section shall be inserted after section 47—

“47A Application to the Broads Authority

(1) Sections 6 to 9 of this Act shall have effect as if the Broads Authority were a local authority.

(2) Sections 10, 18 and 20 of this Act shall have effect as if the Broads Authority were a local planning authority.

(3) Section 16 of this Act shall have effect as if the Broads Authority were a local planning authority and the Broads were a National Park.

(4) Section 40 of this Act shall have effect as if the Broads Authority were a National Park joint planning board and the Broads were a National Park.

(5) Sections 43 to 45 shall have effect as if the Broads Authority were a local authority.

(6) In this section “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

The Town and Country Planning Act 1971

7 In the Town and Country Planning Act 1971 the following section shall be inserted after section 273—

“273A The Broads Authority

- (1) For the purposes of the provisions of this Act mentioned in subsection (2) below, the Broads Authority shall be the sole district planning authority in respect of the Broads.
- (2) The provisions are sections 11 to 15B, 16, 17, 25 to 30, 34 to 39, 41 to 44, 45, 46, 51, 52, 53, 55, 56, 56B, 56C, 58, 59, 61A, 63, 65, 87, 90, 91, 92A, 94, 96, 99, 107, 109, 267, 270, 271, 277 to 277B and Schedule 11.”
- 8 In section 1(6) of the Act of 1971 (section 1 to be read subject to certain provisions), after the word “section” there shall be inserted the words “shall have effect subject to section 273A of this Act and those provisions”.
- 9 In section 1A of the Act of 1971 (hazardous substances authorities), the following subsection shall be inserted after subsection (3)—
- “**(3A)** The Broads Authority is the hazardous substances authority for the Broads.”
- 10 In section 24E(1) of the Act of 1971 (exclusion of certain descriptions of land or development from simplified planning zones), the following paragraph shall be inserted after paragraph (b)—
- “(bb) land within the Broads;”.
- 11 In section 40 of the Act of 1971 (development by local authorities and statutory undertakers with authorisation of government department), the following subsection shall be added at the end—
- “(4) For the purposes of subsection (1) above “local authority” includes the Broads Authority.”
- 12 In section 54 of the Act of 1971 (lists of buildings of special architectural or historic interest), the following subsection shall be added at the end—
- “(13) In relation to any building within the Broads, the reference in subsections (4) and (11) to the district planning authority shall include a reference to the Broads Authority.”
- 13 In section 54A of the Act of 1971 (issue of certificate that building is not intended to be listed), the words “and shall, in relation to a building within the Broads, include the Broads Authority” shall be added at the end of subsection (4).
- 14 In section 101 of the Act of 1971 (urgent works to preserve buildings), the following subsection shall be added at the end—
- “(6) In this section and in section 101A of this Act “local authority”, in relation to a building within the Broads, includes the Broads Authority.”
- 15 In section 114 of the Act of 1971 (compulsory acquisition of listed building in need of repair), the following subsection shall be inserted after subsection (1)—
- “(1A) In the case of a building situated within the Broads, subsection (1) above shall have effect with the addition, after the words “building is situated”, of the words “or the Broads Authority.” ”
- 16 In section 115 of the Act of 1971 (repairs notice as preliminary to compulsory acquisition under section 114), the following subsection shall be added at the end—

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

- “(5) In this section “council”, in relation to a building within the Broads, includes the Broads Authority.”
- 17 In section 117 of the Act of 1971 (minimum compensation in case of listed building deliberately left derelict), the following subsection shall be added at the end—
- “(8) In subsection (1) above, “council”, in relation to a building within the Broads, includes the Broads Authority.”
- 18 In section 126 of the Act of 1971 (management etc. of listed buildings acquired by local authority or Secretary of State), the following subsection shall be added at the end—
- “(3) In subsection (1) above, “local authority”, in relation to a building within the Broads, includes the Broads Authority.”
- 19 In section 181 of the Act of 1971 (action by council on whom purchase notice is served), the following subsection shall be added at the end—
- “(5) For the purposes of this section, “local authority”, in relation to land within the Broads, includes the Broads Authority.”
- 20 In section 182 of the Act of 1971 (procedure on reference of purchase notice to Secretary of State), the following subsection shall be added at the end—
- “(5) For the purposes of this section and sections 183 and 186 of this Act, “local authority”, in relation to land within the Broads, includes the Broads Authority.”
- 21 In section 212 of the Act of 1971 (power by order to extinguish right to use vehicles on highway), the following subsection shall be added at the end—
- “(10) In this section “local planning authority” includes the Broads Authority.”
- 22 In section 214 of the Act of 1971 (extinguishment of public rights of way over land held for planning purposes), the following subsection shall be added at the end—
- “(3) Paragraphs (a) and (b) of subsection (1) above shall also apply (with the substitution of a reference to the Authority for the reference to the local authority) in relation to any land within the Broads which is held by the Broads Authority and which was acquired by, or vested in, the Authority for any purpose connected with the discharge of any of its functions.”
- 23 In section 280 of the Act of 1971 (rights of entry), the following subsection shall be added at the end—
- “(10) The Broads Authority shall be treated—
- (a) for the purposes of subsections (1)(a) and (3) above, as the sole district planning authority in respect of the Broads;
 - (b) for the purposes of subsections (1)(b), (c) and (8), as a local planning authority; and
 - (c) for the purposes of subsection (4), as a local authority.”
- 24 In section 284 of the Act of 1971 (power to require information as to interests in land), the following subsection shall be added at the end—
- “(4) In this section “local authority”, in relation to land within the Broads, includes the Broads Authority.”

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

25 In section 290 of the Act of 1971 (interpretation), the following definition shall be inserted at the appropriate place—

““the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988;”.

26 In Schedule 19 to the Act of 1971 (proceedings on listed building purchase notice), the following sub-paragraph shall be added at the end of paragraph 1—

“(4) In this paragraph and in paragraphs 2 and 3 below, “local authority”, in relation to land within the Broads, includes the Broads Authority.”

The Town and Country Planning (Amendment) Act 1972

27 In section 10B of the Town and Country Planning (Amendment) Act 1972 (grants for repair of buildings in town schemes), the following paragraph shall be inserted in subsection (11), after paragraph (b)—

“(bb) in relation to any building situated within the Broads (as defined in the Norfolk and Suffolk Broads Act 1988), the Broads Authority;”.

The Local Government Act 1972

28 In paragraph 10 of Schedule 16 to the Local Government Act 1972 (local plans prepared jointly by two or more local planning authorities), the following sub-paragraph shall be added at the end—

“(5) For the purposes of this paragraph and paragraphs 11 to 13 below the Broads Authority shall be the sole district planning authority in respect of the Broads.”

The Race Relations Act 1976

29 In section 19A of the Race Relations Act 1976 (discrimination by planning authorities), the words “the Broads Authority” shall be inserted after the word “council” in subsection (2)(a).

The Ancient Monuments and Archaeological Areas Act 1979

30 (1) In the Ancient Monuments and Archaeological Areas Act 1979, the following section shall be inserted after section 52—

“52A The Broads

Parts I and II and section 45(2) and (3) of this Act shall apply, in relation to the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were a local authority.”

(2) In section 35 of the Act of 1979 (notice required of operations in areas of archaeological importance), the following subsection shall be added at the end—

“(11) This section shall have effect, in relation to any land within the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were the district council (to the exclusion of the authority which is otherwise the district council for the area in question) and the Broads were its local authority area.”

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

The Wildlife and Countryside Act 1981

- 31 (1) In section 28 of the Wildlife and Countryside Act 1981 (areas of special scientific interest), the following subsection shall be added at the end—
- “(13A) For the purposes of this section “local planning authority”, in relation to land within the Broads, includes the Broads Authority.”
- (2) In section 39 of the Act of 1981 (management agreements), in subsection (5), the following paragraph shall be inserted after paragraph (a)—
- “(aa) as respects land within the Broads, the Broads Authority;”
- (3) In section 41 of the Act of 1981 (duties of agriculture ministers with respect to the countryside), the following subsection shall be inserted after subsection (5)—
- “(5A) For the purposes of this section the Broads shall be treated as a National Park.”
- (4) In section 44 of the Act of 1981 (grants and loans for purposes of National Parks), the following subsection shall be added at the end—
- “(4) For the purposes of this section the Broads Authority shall be treated as a county planning authority and the Broads as a National Park.”
- (5) In section 71 of the Act of 1981 (interpretation), the following definition shall be inserted at the appropriate place—
- ““the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

The Town and Country Planning Act 1984

- 32 In section 6 of the Town and Country Planning Act 1984 (interpretation and supplementary provisions), the following subsections shall be added at the end—
- “(5) In section 2 of this Act “local planning authority”, in relation to land within the Broads, includes the Broads Authority.
- (6) Subject to subsection (5) above, the Broads Authority shall, for the purposes of this Act, be the sole district planning authority in relation to land within the Broads.”