Planning and Compensation Act 1991

1991 CHAPTER 34

An Act to amend the law relating to town and country planning; to extend the powers to acquire by agreement land which may be affected by carrying out public works; to amend the law relating to compulsory acquisition of land and to compensation where persons are displaced from land or the value of land or its enjoyment may be affected by public works; to provide, in the case of compensation payable in respect of things done in the exercise of statutory powers, for advance payments and payments in interest; and to repeal Part X of the Highways Act 1980. [25th July 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)
C1 Act: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch.1**

PART I

TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

New enforcement powers

VALID FROM 02/01/1992

1 Planning contravention notices.

In the the [M1]Town and Country Planning Act 1990 (referred to in this Act as "the principal Act") in Part VII (enforcement) before section 172 there is inserted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

" Planning contravention notices

171C **Power to require information about activities on land.**

(1) Where it appears to the local planning authority that there may have been a breach of planning control in respect of any land, they may serve notice to that effect (referred to in this Act as a "planning contravention notice") on any person who—

(a) is the owner or occupier of the land or has any other interest in it; or

(b) is carrying out operations on the land or is using it for any purpose.

(2) A planning contravention notice may require the person on whom it is served to give such information as to—

(a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land; and

(b) any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted,

as may be specified in the notice.

(3) Without prejudice to the generality of subsection (2), the notice may require the person on whom it is served, so far as he is able—

(a) to state whether or not the land is being used for any purpose specified in the notice or any operations or activities specified in the notice are being or have been carried out on the land;

(b) to state when any use, operations or activities began;

(c) to give the name and address of any person known to him to use or have used the land for any purpose or to be carrying out, or have carried out, any operations or activities on the land;

(d) to give any information he holds as to any planning permission for any use or operations or any reason for planning permission not being required for any use or operations;

(e) to state the nature of his interest (if any) in the land and the name and address of any other person known to him to have an interest in the land.

(4) A planning contravention notice may give notice of a time and place at which—

(a) any offer which the person on whom the notice is served may wish to make to apply for planning permission, to refrain from carrying out any operations or activities or to undertake remedial works; and

(b) any representations which he may wish to make about the notice,

will be considered by the authority, and the authority shall give him an opportunity to make in person any such offer or representations at that time and place.

(5) A planning contravention notice must inform the person on whom it is served—

(a) of the likely consequences of his failing to respond to the notice and, in particular, that enforcement action may be taken; and

(b) of the effect of section 186(5)(b).

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(6) Any requirement of a planning contravention notice shall be complied with by giving information in writing to the local planning authority.

(7) The service of a planning contravention notice does not affect any other power exercisable in respect of any breach of planning control.

(8) In this section references to operations or activities on land include operations or activities in, under or over the land.

171D **Penalties for non-compliance with planning contravention notice.**

(1) If, at any time after the end of the period of twenty-one days beginning with the day on which a planning contravention notice has been served on any person, he has not complied with any requirement of the notice, he shall be guilty of an offence.

(2) An offence under subsection (1) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(3) It shall be a defence for a person charged with an offence under subsection (1) to prove that he had a reasonable excuse for failing to comply with the requirement.

(4) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If any person—

(a) makes any statement purporting to comply with a requirement of a planning contravention notice which he knows to be false or misleading in a material particular; or

(b) recklessly makes such a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

(6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Commencement Information

I1 S. 1 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

Marginal Citations

M1 1990 c. 8.

VALID FROM 27/07/1992

2 Enforcement of conditions.

After section 187 of the principal Act there is inserted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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" Breach of condition

187A Enforcement of conditions.

(1) This section applies where planning permission for carrying out any development of land has been granted subject to conditions.

(2) The local planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a "breach of condition notice") on—

(a) any person who is carrying out or has carried out the development; or

(b) any person having control of the land,

requiring him to secure compliance with such of the conditions as are specified in the notice.

(3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.

(4) The conditions which may be specified in a notice served by virtue of subsection (2)(b) are any of the conditions regulating the use of the land.

(5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.

(6) The authority may by notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.

(7) The period allowed for compliance with the notice is—

(a) such period of not less than twenty-eight days beginning with the date of service of the notice as may be specified in the notice; or

(b) that period as extended by a further notice served by the local planning authority on the person responsible.

(8) If, at any time after the end of the period allowed for compliance with the notice—

(a) any of the conditions specified in the notice is not complied with; and

(b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased,

the person responsible is in breach of the notice.

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

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(11) It shall be a defence for a person charged with an offence under subsection (9) to prove—

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice; or

(b) where the notice was served on him by virtue of subsection (2)(b), that he no longer had control of the land.

(12) A person who is guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In this section—

(a) "conditions" includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so."

Commencement Information

I2 S. 2 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, **art. 2** (subject to art. 3 of that S.I.).

VALID FROM 25/11/1991

3 Injunctions restraining breaches of planning control.

After section 187A of the principal Act (as inserted by section 2 of this Act) there is inserted—

" Injunctions

187B Injunctions restraining breaches of planning control.

(1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Part.

(2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.

(3) Rules of court may provide for such an injunction to be issued against a person whose identity is unknown.

(4) In this section "the court" means the High Court or the county court."

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Commencement Information

I3 S. 3 wholly in force; s. 3 not in force at Royal Assent see s. 84(2); s. 3 partly in force at 25.11.1991 by S.I. 1991/2728, **art. 2**; s. 3 in force at 2.1.1992 so far as not already in force by s.I. 1991/2905, art. 3, 5

Other changes relating to enforcement

VALID FROM 02/01/1992

4 Time limits on enforcement action.

(1) At the beginning of Part VII of the principal Act (enforcement) there is inserted—

" Introductory

171A **Expressions used in connection with enforcement.**

(1) For the purposes of this Act—

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act—

(a) the issue of an enforcement notice (defined in section 172); or

(b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B **Time limits.**

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

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(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach."

(2) If, in the case of any breach of planning control, the time for issuing an enforcement notice has expired, before the coming into force of this section, by virtue of section 172(4)(b) of the principal Act (as originally enacted), nothing in this section enables any enforcement action to be taken in respect of the breach.

Commencement Information

I4 S. 4 wholly in force: s. 4 not in force at Royal Assent see s. 84(2); s. 4 in force to a certain extent at 2.1.1992 by S.I. 1991/2905, **art. 3** (subject to art. 5 of that S.I.); s. 4 in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, **art. 2**

5 Enforcement notices.

(1) For sections 172 and 173 of the principal Act (power to issue and contents of enforcement notice) there is substituted—

"**172 Issue of enforcement notice.**

(1) The local planning authority may issue a notice (in this Act referred to as an "enforcement notice") where it appears to them—

(a) that there has been a breach of planning control; and

(b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served—

(a) on the owner and on the occupier of the land to which it relates; and

(b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place—

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

173 Contents and effect of notice.

(1) An enforcement notice shall state—

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

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(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are—

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require—

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building—

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;

(c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice

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served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

(a) an enforcement notice requires the construction of a replacement building; and

(b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

173A Variation and withdrawal of enforcement notices.

(1) The local planning authority may—

(a) withdraw an enforcement notice issued by them; or

(b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice."

6 Appeal against enforcement notice.

(1) For section 174(2) and (3) of the principal Act (grounds of appeal and notice) there is substituted—

"(2) An appeal may be brought on any of the following grounds—

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

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(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

(3) An appeal under this section shall be made either—

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date."

(2) In section 175(4) of that Act (enforcement notices of no effect pending final determination or withdrawal of appeals) after "shall" there is inserted " subject to any order under section 289(4A) ".

(3) After section 177(5) of that Act (appellant deemed to have made an application for planning permission for the development to which the enforcement notice relates) there is inserted—

"(5A) Where—

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period."

(4) In section 289 of that Act (appeals to High Court) after subsection (4) there is inserted—

"(4A) In proceedings brought by virtue of this section in respect of an enforcement notice, the High Court or, as the case may be, the Court of Appeal may, on such terms if any as the Court thinks fit (which may include terms requiring the local planning authority to give an undertaking as to damages or any other matter), order that the notice shall have effect, or have effect to such extent as may be specified in the order, pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State.

(4B) Where proceedings are brought by virtue of this section in respect of any notice under section 207, the notice shall be of no effect pending the final

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determination of those proceedings and any re-hearing and determination by the Secretary of State."

(5) For subsection (6) of that section there is substituted—

"(5A) Rules of court may also provide for the High Court or, as the case may be, the Court of Appeal to give directions as to the exercise, until such proceedings in respect of an enforcement notice are finally concluded and any re-hearing and determination by the Secretary of State has taken place, of any other powers in respect of the matters to which such a notice relates.

(6) No proceedings in the High Court shall be brought by virtue of this section except with the leave of that Court and no appeal to the Court of Appeal shall be so brought except with the leave of the Court of Appeal or of the High Court."

(6) In section 303(3) of that Act (fees payable to Secretary of State in respect of deemed applications for planning permission) for "to him of a fee of the prescribed amount in respect of an" there is substituted—

"(a) of fees of prescribed amounts to him and to the local planning authority in respect of any application for planning permission deemed to be made under section 177(5); and

(b) of a fee of the prescribed amount to him in respect of any other".

Commencement Information

I5 S. 6 wholly in force; s. 6 not in force at Royal Assent see s. 84(2); s. 6(6) in force at 13.10.1991 by S.I. 1991/2272, **art. 2(a)**; s. 6(5) in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2**; s. 6 in force at 2.1.1992 so far as not already in force by S.I. 1991/2905, **art. 3**,5

VALID FROM 02/01/1992

7 Execution of works required by enforcement notice.

(1) For section 178(1) of the principal Act (power to execute works required by enforcement notice) there is substituted—

"(1) Where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice, the local planning authority may—

(a) enter the land and take the steps; and

(b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so."

(2) For subsections (6) and (7) of that section there is substituted—

"(6) Any person who wilfully obstructs a person acting in the exercise of powers under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale."

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Commencement Information

I6 S. 7 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

8 Offence where enforcement notice not complied with.

For section 179 of the principal Act (penalties for non-compliance with enforcement notice) there is substituted—

"**179 Offence where enforcement notice not complied with.**

(1) Where, at any time after the end of the period for compliance with an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.

(2) Where the owner of the land is in breach of an enforcement notice he shall be guilty of an offence.

(3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.

(4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.

(5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.

(6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.

(7) Where—

(a) a person charged with an offence under this section has not been served with a copy of the enforcement notice; and

(b) the notice is not contained in the appropriate register kept under section 188,

it shall be a defence for him to show that he was not aware of the existence of the notice.

(8) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000; and

(b) on conviction on indictment, to a fine.

(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to

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any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence."

Commencement Information

I7 s. 8 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

9 Stop notices.

(1) For section 183(1) to (5) of the principal Act (stop notices) there is substituted—

"(1) Where the local planning authority consider it expedient that any relevant activity should cease before the expiry of the period for compliance with an enforcement notice, they may, when they serve the copy of the enforcement notice or afterwards, serve a notice (in this Act referred to as a "stop notice") prohibiting the carrying out of that activity on the land to which the enforcement notice relates, or any part of that land specified in the stop notice.

(2) In this section and sections 184 and 186 "relevant activity" means any activity specified in the enforcement notice as an activity which the local planning authority require to cease and any activity carried out as part of that activity or associated with that activity.

(3) A stop notice may not be served where the enforcement notice has taken effect.

(4) A stop notice shall not prohibit the use of any building as a dwellinghouse.

(5) A stop notice shall not prohibit the carrying out of any activity if the activity has been carried out (whether continuously or not) for a period of more than four years ending with the service of the notice; and for the purposes of this subsection no account is to be taken of any period during which the activity was authorised by planning permission.

(5A) Subsection (5) does not prevent a stop notice prohibiting any activity consisting of, or incidental to, building, engineering, mining or other operations or the deposit of refuse or waste materials."

(2) For section 184(3) of that Act (date on which stop notice takes effect) there is substituted—

"(3) That date—

(a) must not be earlier than three days after the date when the notice is served, unless the local planning authority consider that there are special reasons for specifying an earlier date and a statement of those reasons is served with the stop notice; and

(b) must not be later than twenty-eight days from the date when the notice is first served on any person."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) For section 186(5) of that Act (matters relevant to compensation) there is substituted—

"(5) No compensation is payable under this section—

(a) in respect of the prohibition in a stop notice of any activity which, at any time when the notice is in force, constitutes or contributes to a breach of planning control; or

(b) in the case of a claimant who was required to provide information under section 171C or 330 or section 16 of the [M2]Local Government (Miscellaneous Provisions) Act 1976, in respect of any loss or damage suffered by him which could have been avoided if he had provided the information or had otherwise co-operated with the local planning authority when responding to the notice."

(4) For section 187(1) and (2) of that Act (offences and penalties) there is substituted—

"(1) If any person contravenes a stop notice after a site notice has been displayed or the stop notice has been served on him he shall be guilty of an offence.

(1A) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.

(1B) References in this section to contravening a stop notice include causing or permitting its contravention.

(2) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000; and

(b) on conviction on indictment, to a fine.

(2A) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence."

Commencement Information

I8 S. 9 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

Marginal Citations

M2 1976 c. 57.

10 Certificate of lawful use or development.

(1) For sections 191 to 194 of the principal Act (established use certificates) there is substituted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

" Certificate of lawful use or development

191 Certificate of lawfulness of existing use or development.

(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use, operations or other matter to be lawful; and

(d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

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(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—

(a) section 3(3) of the Caravan Sites and Control of Development Act 1960;

(b) section 5(2) of the [M3]Control of Pollution Act 1974; and

(c) section 36(2)(a) of the [M4]Environmental Protection Act 1990.

192 Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

193 Certificates under sections 191 and 192: supplementary provisions.

(1) An application for a certificate under section 191 or 192 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 under such an order or by the local planning authority.

(2) Provision may be made by a development order for regulating the manner in which applications for certificates under those sections are to be dealt with by local planning authorities.

(3) In particular, such an order may provide for requiring the authority—

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(a) to give to any applicant 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; and

(b) to give to the Secretary of State and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to such applications made to the authority, including information as to the manner in which any application has been dealt with.

(4) A certificate under either of those sections may be issued—

(a) for the whole or part of the land specified in the application; and

(b) where the application specifies two or more uses, operations or other matters, for all of them or some one or more of them;

and shall be in such form as may be prescribed by a development order.

(5) A certificate under section 191 or 192 shall not affect any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted unless that matter is described in the certificate.

(6) In section 69 references to applications for planning permission shall include references to applications for certificates under section 191 or 192.

(7) A local planning authority may revoke a certificate under either of those sections if, on the application for the certificate—

(a) a statement was made or document used which was false in a material particular; or

(b) any material information was withheld.

(8) Provision may be made by a development order for regulating the manner in which certificates may be revoked and the notice to be given of such revocation.

194 Offences.

(1) If any person, for the purpose of procuring a particular decision on an application (whether by himself or another) for the issue of a certificate under section 191 or 192—

(a) knowingly or recklessly makes a statement which is false or misleading in a material particular;

(b) with intent to deceive, uses any document which is false or misleading in a material particular; or

(c) with intent to deceive, withholds any material information,

he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

(3) Notwithstanding section 127 of the [M5]Magistrates' Courts Act 1980, a magistrates' court may try an information in respect of an offence under subsection (1) whenever laid."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) An order under section 84(2) of this Act may provide for established use certificates to have effect, in such circumstances and to such extent as may be specified in the order, for the purposes of section 191 of the principal Act as substituted by this section.

Marginal Citations

M3 1974 c. 40.
M4 1990 c. 43.
M5 1980 c. 43.

VALID FROM 02/01/1992

11 Rights of entry for enforcement purposes.

(1) At the end of Part VII of the principal Act there is inserted—

" Rights of entry for enforcement purposes

196A **Rights to enter without warrant.**

(1) Any person duly authorised in writing by a local planning authority may at any reasonable hour enter any land—

(a) to ascertain whether there is or has been any breach of planning control on the land or any other land;

(b) to determine whether any of the powers conferred on a local planning authority by this Part should be exercised in relation to the land or any other land;

(c) to determine how any such power should be exercised in relation to the land or any other land;

(d) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or any other land,

if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Secretary of State may at any reasonable hour enter any land to determine whether an enforcement notice should be issued in relation to the land or any other land, if there are reasonable grounds for entering for that purpose.

(3) The Secretary of State shall not so authorise any person without consulting the local planning authority.

(4) Admission to any building used as a dwellinghouse shall not be demanded as of right by virtue of subsection (1) or (2) unless twenty-four hours' notice of the intended entry has been given to the occupier of the building.

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196B **Right to enter under warrant.**

(1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 196A(1) or (2); and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

the justice may issue a warrant authorising any person duly authorised in writing by a local planning authority or, as the case may be, the Secretary of State to enter the land.

(2) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

196C **Rights of entry: supplementary provisions.**

(1) A person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of section 196A or 196B (referred to in this section as "a right of entry")—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any damage is caused to land or chattels in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State.

(4) The provisions of section 118 shall apply in relation to compensation under subsection (3) as they apply in relation to compensation under Part IV.

(5) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(6) Subsection (5) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

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***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) A person who is guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(8) In sections 196A and 196B and this section references to a local planning authority include, in relation to a building situated in Greater London, a reference to the Historic Buildings and Monuments Commission for England."

(2) In section 324(1)(c) of that Act (rights of entry) "Part VII" is omitted.

(3) In section 325(6) of that Act (compensation in respect of damage caused in exercise of right of entry)—

(a) for "land is damaged" there is substituted " damage is caused to land or chattels "; and

(b) for the words from "in respect of" to "in the land" there is substituted " may be recovered by any person suffering the damage ".

Commencement Information

I9 S. 11 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

Control over development

12 Planning obligations.

(1) For section 106 of the principal Act (agreements regulating development or use of land) there is substituted—

"**106 Planning obligations.**

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106B as "a planning obligation"), enforceable to the extent mentioned in subsection (3)—

(a) restricting the development or use of the land in any specified way;

(b) requiring specified operations or activities to be carried out in, on, under or over the land;

(c) requiring the land to be used in any specified way; or

(d) requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

(2) A planning obligation may—

(a) be unconditional or subject to conditions;

(b) impose any restriction or requirement mentioned in subsection (1)(a) to (c) either indefinitely or for such period or periods as may be specified; and

(c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the

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instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period.

(3) Subject to subsection (4) a planning obligation is enforceable by the authority identified in accordance with subsection (9)(d)—

(a) against the person entering into the obligation; and

(b) against any person deriving title from that person.

(4) The instrument by which a planning obligation is entered into may provide that a person shall not be bound by the obligation in respect of any period during which he no longer has an interest in the land.

(5) A restriction or requirement imposed under a planning obligation is enforceable by injunction.

(6) Without prejudice to subsection (5), if there is a breach of a requirement in a planning obligation to carry out any operations in, on, under or over the land to which the obligation relates, the authority by whom the obligation is enforceable may—

(a) enter the land and carry out the operations; and

(b) recover from the person or persons against whom the obligation is enforceable any expenses reasonably incurred by them in doing so.

(7) Before an authority exercise their power under subsection (6)(a) they shall give not less than twenty-one days' notice of their intention to do so to any person against whom the planning obligation is enforceable.

(8) Any person who wilfully obstructs a person acting in the exercise of a power under subsection (6)(a) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) A planning obligation may not be entered into except by an instrument executed as a deed which—

(a) states that the obligation is a planning obligation for the purposes of this section;

(b) identifies the land in which the person entering into the obligation is interested;

(c) identifies the person entering into the obligation and states what his interest in the land is; and

(d) identifies the local planning authority by whom the obligation is enforceable.

(10) A copy of any such instrument shall be given to the authority so identified.

(11) A planning obligation shall be a local land charge and for the purposes of the [M6]Local Land Charges Act 1975 the authority by whom the obligation is enforceable shall be treated as the originating authority as respects such a charge.

(12) Regulations may provide for the charging on the land of—

(a) any sum or sums required to be paid under a planning obligation; and

(b) any expenses recoverable by a local planning authority under subsection (6)(b),

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and this section and sections 106A and 106B shall have effect subject to any such regulations.

(13) In this section "specified" means specified in the instrument by which the planning obligation is entered into and in this section and section 106A "land" has the same meaning as in the [M7]Local Land Charges Act 1975.

106A Modification and discharge of planning obligations.

(1) A planning obligation may not be modified or discharged except—
- (a) by agreement between the authority by whom the obligation is enforceable and the person or persons against whom the obligation is enforceable; or
- (b) in accordance with this section and section 106B.

(2) An agreement falling within subsection (1)(a) shall not be entered into except by an instrument executed as a deed.

(3) A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the local planning authority by whom the obligation is enforceable for the obligation—
- (a) to have effect subject to such modifications as may be specified in the application; or
- (b) to be discharged.

(4) In subsection (3) "the relevant period" means—
- (a) such period as may be prescribed; or
- (b) if no period is prescribed, the period of five years beginning with the date on which the obligation is entered into.

(5) An application under subsection (3) for the modification of a planning obligation may not specify a modification imposing an obligation on any other person against whom the obligation is enforceable.

(6) Where an application is made to an authority under subsection (3), the authority may determine—
- (a) that the planning obligation shall continue to have effect without modification;
- (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
- (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

(7) The authority shall give notice of their determination to the applicant within such period as may be prescribed.

(8) Where an authority determine that a planning obligation shall have effect subject to modifications specified in the application, the obligation as modified shall be enforceable as if it had been entered into on the date on which notice of the determination was given to the applicant.

(9) Regulations may make provision with respect to—

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(a) the form and content of applications under subsection (3);

(b) the publication of notices of such applications;

(c) the procedures for considering any representations made with respect to such applications; and

(d) the notices to be given to applicants of determinations under subsection (6).

(10) Section 84 of the [M8]Law of Property Act 1925 (power to discharge or modify restrictive covenants affecting land) does not apply to a planning obligation.

106B Appeals.

(1) Where a local planning authority—

(a) fail to give notice as mentioned in section 106A(7); or

(b) determine that a planning obligation shall continue to have effect without modification,

the applicant may appeal to the Secretary of State.

(2) For the purposes of an appeal under subsection (1)(a), it shall be assumed that the authority have determined that the planning obligation shall continue to have effect without modification.

(3) An appeal under this section shall be made by notice served within such period and in such manner as may be prescribed.

(4) Subsections (6) to (9) of section 106A apply in relation to appeals to the Secretary of State under this section as they apply in relation to applications to authorities under that section.

(5) Before determining the appeal the Secretary of State shall, if either the applicant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(6) The determination of an appeal by the Secretary of State under this section shall be final.

(7) Schedule 6 applies to appeals under this section."

(2) In section 296(2) of that Act (exercise of powers in relation to Crown land) after "authority-" there is inserted—

"(aa) in relation to land which for the time being is Crown land—

(i) a planning obligation shall not be enforced by injunction; and

(ii) the power to enter land conferred by section 106(6) shall not be exercised;".

(3) After section 299 of that Act there is inserted—

"**299A Crown planning obligations.**

(1) The appropriate authority in relation to any Crown interest or Duchy interest in land in the area of a local planning authority may enter into an obligation falling within any of paragraphs (a) to (d) of section 106(1) (in this section

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referred to as a "planning obligation") enforceable to the extent mentioned in subsection (3).

(2) A planning obligation may not be entered into except by an instrument executed as a deed which—

(a) states that the obligation is a planning obligation for the purposes of this section;

(b) identifies the land in relation to which the obligation is entered into;

(c) identifies the appropriate authority who are entering into the obligation and states what the Crown or Duchy interest in the land is; and

(d) identifies the local planning authority by whom the obligation is enforceable.

(3) A planning obligation entered into under this section is enforceable—

(a) against any person with a private interest deriving from the Crown or Duchy interest stated in accordance with subsection (2)(c);

(b) by the authority identified in accordance with subsection (2)(d).

(4) Subject to subsection (5), subsections (2), (4) to (8) and (10) to (13) of section 106 and sections 106A and 106B apply to a planning obligation entered into under this section as they apply to a planning obligation entered into under that section.

(5) The consent of the appropriate authority must be obtained to—

(a) the enforcement by injunction of a planning obligation against a person in respect of land which is Crown land; and

(b) the exercise, in relation to Crown land, of the power to enter land conferred by section 106(6) (as applied by subsection (4)).".

Marginal Citations

M6 1975 c. 76.

M7 1975 c. 76.

M8 1925 c. 20.

13 Demolition of buildings.

(1) In section 55 of the principal Act (meaning of "development") after subsection (1) there is inserted—

"(1A) For the purposes of this Act "building operations" includes—

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder."

(2) In subsection (2) of that section after paragraph (f) there is inserted—

"(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) After section 108(3) of that Act (compensation for refusal or conditional grant of planning permission formerly granted by development order) there is inserted—

"(4) Regulations made by virtue of this subsection may provide that subsection (1) shall not apply where planning permission granted by a development order for demolition of buildings or any description of buildings is withdrawn by the issue of directions under powers conferred by the order."

VALID FROM 02/01/1992

14 Fish farming.

(1) After section 55(4) of the principal Act (meaning of "development") there is inserted—

"(4A) Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection—

"fish farming" means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

"inland waters" means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and

"tank" includes any cage and any other structure for use in fish farming."

(2) This section does not apply to the placing or assembly of any structure before this section comes into force.

Commencement Information

I10 S. 14 in force at 2.1.1992 by S.I. 1991/2905, **arts. 3**,5

15 Assessment of environmental effects.

After section 71 of the principal Act there is inserted—

"**71A Assessment of environmental effects.**

(1) The Secretary of State may by regulations make provision about the consideration to be given, before planning permission for development of any class specified in the regulations is granted, to the likely environmental effects of the proposed development.

(2) The regulations—

(a) may make the same provision as, or provision similar or corresponding to, any provision made, for the purposes of any Community obligation of the United Kingdom about the assessment of the likely effects of

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development on the environment, under section 2(2) of the [M9]European Communities Act 1972; and

(b) may make different provision for different classes of development.

(3) Where a draft of regulations made in exercise both of the power conferred by this section and the power conferred by section 2(2) of the European Communities Act 1972 is approved by resolution of each House of Parliament, section 333(3) shall not apply."

Commencement Information

I11 S. 15 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

Marginal Citations

M9 1972 c. 68.

16 Notice etc. of applications for planning permission.

(1) For sections 65 to 68 of the principal Act (publicity for applications for planning permission) there is substituted—

"**65 Notice etc. of applications for planning permission.**

(1) A development order may make provision requiring—

(a) notice to be given of any application for planning permission, and

(b) any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used,

and provide for publicising such applications and for the form, content and service of such notices and certificates.

(2) Provision shall be made by a development order for the purpose of securing that, in the case of any application for planning permission, any person (other than the applicant) who on such date as may be prescribed by the order is an owner of the land to which the application relates, or a tenant of any agricultural holding any part of which is comprised in that land, is given notice of the application in such manner as may be required by the order.

(3) A development order may require an applicant for planning permission to certify, in such form as may be prescribed by the order, or to provide evidence, that any requirements of the order have been satisfied.

(4) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.

(5) A local planning authority shall not entertain an application for planning permission unless any requirements imposed by virtue of this section have been satisfied.

(6) If any person—

(a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

(7) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(8) In this section—

"agricultural holding" has the same meaning as in the [M10]Agricultural Holdings Act 1986; and

"owner" in relation to any land means any person who—

(a) is the estate owner in respect of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired; or

(c) in the case of such applications as may be prescribed by a development order, is entitled to an interest in any mineral so prescribed,

and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.

(9) Notwithstanding section 127 of the [M11]Magistrates' Courts Act 1980, a magistrates' court may try an information in respect of an offence under this section whenever laid."

(2) For section 71(1) and (2) there is substituted—

"(1) A development order may provide that a local planning authority shall not determine an application for planning permission before the end of such period as may be prescribed.

(2) A development order may require a local planning authority—

(a) to take into account in determining such an application such representations, made within such period, as may be prescribed; and

(b) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.

(2A) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development."

Marginal Citations

M10 1986 c. 5.

M11 1980 c. 43.

17 Power of local planning authority to decline to determine applications.

(1) After section 70 of the principal Act there is inserted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**70A Power of local planning authority to decline to determine applications.**

(1) A local planning authority may decline to determine an application for planning permission for the development of any land if—

(a) within the period of two years ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under section 77 or has dismissed an appeal against the refusal of a similar application; and

(b) in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in paragraph (a) in the development plan, so far as material to the application, or in any other material considerations.

(2) For the purposes of this section an application for planning permission for the development of any land shall only be taken to be similar to a later application if the development and the land to which the applications relate are in the opinion of the local planning authority the same or substantially the same.

(3) The reference in subsection (1)(a) to an appeal against the refusal of an application includes an appeal under section 78(2) in respect of an application."

(2) In section 78(2) of that Act (right to appeal to Secretary of State where local planning authority have failed to take a decision on an application) for "neither" there is substituted " done none of the following " and for "nor" there is substituted—

"(aa) given notice to the applicant that they have exercised their power under section 70A to decline to determine the application;".

Modifications etc. (not altering text)
C2 S.17(1) restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 1**

Commencement Information
I12 S. 17 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

18 Dismissal of appeals in cases of undue delay.

After section 79(6) of the principal Act (determination of appeals) there is inserted—

"(6A) If at any time before or during the determination of such an appeal it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—

(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I13 S. 18 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

19 Receipt and determination of applications.

(1) After section 74(1) of the principal Act (provisions that may be made by a development order for dealing with applications) there is inserted—

"(1A) Provision may be made by a development order—

(a) for determining the persons to whom applications under this Act are to be sent; and

(b) for requiring persons to whom such applications are sent to send copies to other interested persons."

(2) In Schedule 1 to that Act (distribution of functions)—

(a) in paragraph 3(2) (functions which appear to the district planning authority to relate to a county matter to be exercised by the county authority) for "appears to the district planning authority to relate" there is substituted " relates ",

(b) paragraphs 3(3) to (6) and 4(1) (all applications to be made to district planning authority) are omitted.

Controls over particular matters

20 Land of interested planning authorities and development by them.

For section 316 of the principal Act (application of certain provisions to local planning authorities) there is substituted—

"**316 Land of interested planning authorities and development by them.**

(1) The provisions of Parts III, VII and VIII of this Act shall apply in relation to—

(a) land of interested planning authorities; and

(b) the development of any land by interested planning authorities or by such authorities jointly with any other persons,

subject to regulations made by virtue of this section.

(2) The regulations may, in relation to such land or such development—

(a) provide for any of those provisions to apply subject to prescribed exceptions or modifications or not to apply;

(b) make new provision as to any matter dealt with in any of those provisions;

(c) make different provision in relation to different classes of land or development.

(3) Without prejudice to subsection (2), the regulations may provide—

(a) subject to subsection (5), for applications for planning permission to develop such land, or for such development, to be determined by the authority concerned, by another interested planning authority or by the Secretary of State; and

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(b) for the procedure to be followed on such applications,

and, in the case of applications falling to be determined by an interested planning authority, they may regulate the authority's arrangements for the discharge of their functions, notwithstanding anything in section 101 of the [M12]Local Government Act 1972.

(4) The regulations shall—

(a) provide for section 71(3), and any provision made by virtue of section 65 or 71 by a development order, to apply to applications for planning permission to develop such land, or for such development, subject to prescribed exceptions or modifications, or

(b) make corresponding provision.

(5) In the case of any application for planning permission to develop land of an interested planning authority where—

(a) the authority do not intend to develop the land themselves or jointly with any other person; and

(b) if it were not such land, the application would fall to be determined by another body,

the regulations shall provide for the application to be determined by that other body, unless the application is referred to the Secretary of State under section 77.

(6) In this section "interested planning authority", in relation to any land, means any body which exercises any of the functions of a local planning authority in relation to that land; and for the purposes of this section land is land of an authority if the authority have any interest in it.

(7) This section applies to any consent required in respect of any land as it applies to planning permission to develop land.

(8) Subsection (1) does not apply to sections 76, 90(2) and (5) and 223."

Marginal Citations

M12 1972 c. 70.

21 Mines and waste.

Schedule 1 to this Act (which, among other things, provides for aftercare where permission is given to deposit refuse or waste materials and provides for altering the provisions relating to compensation for restrictions on mineral working and depositing mineral waste) shall have effect.

Commencement Information

I14 S. 21 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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22 Old mining permissions.

(1) In this section and Schedule 2 to this Act, "old mining permission" means any planning permission for development—

(a) consisting of the winning and working of minerals; or

(b) involving the depositing of mineral waste,

which was deemed to be granted under Part III of the [M13]Town and Country Planning Act 1947 by virtue of section 77 of that Act (development authorised under interim development orders after 21st July 1943).

(2) An old mining permission shall, if an application under that Schedule to determine the conditions to which the permission is to be subject is finally determined, have effect as from the final determination as if granted on the terms required to be registered.

(3) If no such development has, at any time in the period of two years ending with 1st May 1991, been carried out to any substantial extent anywhere in, on or under the land to which an old mining permission relates, that permission shall not authorise any such development to be carried out at any time after the coming into force of this section unless—

(a) the permission has effect in accordance with subsection (2) above; and

(b) the development is carried out after such an application is finally determined.

(4) An old mining permission shall—

(a) if no application for the registration of the permission is made under that Schedule, cease to have effect on the day following the last date on which such an application may be made; and

(b) if such an application is refused, cease to have effect on the day following the date on which the application is finally determined.

(5) An old mining permission shall, if—

(a) such an application is granted; but

(b) an application under that Schedule to determine the conditions to which the permission is to be subject is required to be served before the end of any period and is not so served,

cease to have effect on the day following the last date on which the application to determine those conditions may be served.

(6) Subject to subsection (3) above, this section—

(a) shall not affect any development carried out under an old mining permission before an application under that Schedule to determine the conditions to which the permission is to be subject is finally determined or, as the case may be, the date on which the permission ceases to have effect; and

(b) shall not affect any order made or having effect as if made under section 102 of or Schedule 9 to the principal Act (discontinuance, etc. orders).

(7) This section and that Schedule, and the principal Act, shall have effect as if the section and Schedule were included in Part III of that Act.

Commencement Information

I15 S. 22 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Marginal Citations
M13 1947 c. 51.

23 Trees.

(1) In section 207 of the principal Act (enforcement of duties as to replacement of trees) for subsections (3) and (4) there is substituted—

"(3) A notice under subsection (1) shall specify a period at the end of which it is to take effect.

(4) The specified period shall be a period of not less than twenty-eight days beginning with the date of service of the notice."

(2) In section 208 (appeals against section 207 notices) in subsection (1) after paragraph (a) there is inserted—

"(aa) that in all the circumstances of the case the duty imposed by section 206(1) should be dispensed with in relation to any tree;".

(3) For subsections (2) and (3) of that section there is substituted—

"(2) An appeal under subsection (1) shall be made either—

(a) by giving written notice of the appeal to the Secretary of State before the end of the period specified in accordance with section 207(3); or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before the end of that period."

(4) For subsections (7) and (8) of that section there is substituted—

"(7) On such an appeal the Secretary of State may—

(a) correct any defect, error or misdescription in the notice; or

(b) vary any of its requirements,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(8) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(8A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal."

(5) For section 209(6) there is substituted—

"(6) Any person who wilfully obstructs a person acting in the exercise of the power under subsection (1)(a) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale."

(6) In section 210 (penalties for non-compliance with tree preservation order)—

(a) in subsection (2) for paragraph (a) there is substituted—

"(a) on summary conviction to a fine not exceeding £20,000;"

(b) in subsection (3) "on indictment" is omitted; and

(c) subsection (5) is omitted.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(7) After section 214 there is inserted—

" Injunctions

214A Injunctions.

(1) Where a local planning authority consider it necessary or expedient for an actual or apprehended offence under section 210 or 211 to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Chapter.

(2) Subsections (2) to (4) of section 187B apply to an application under this section as they apply to an application under that section.

Rights of entry

214B Rights to enter without warrant.

(1) Any person duly authorised in writing by a local planning authority may enter any land for the purpose of—

(a) surveying it in connection with making or confirming a tree preservation order with respect to the land;

(b) ascertaining whether an offence under section 210 or 211 has been committed on the land; or

(c) determining whether a notice under section 207 should be served on the owner of the land,

if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Secretary of State may enter any land for the purpose of surveying it in connection with making, amending or revoking a tree preservation order with respect to the land, if there are reasonable grounds for entering for that purpose.

(3) Any person who is duly authorised in writing by a local planning authority may enter any land in connection with the exercise of any functions conferred on the authority by or under this Chapter.

(4) Any person who is an officer of the Valuation Office may enter any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of any land which is payable by the local planning authority under this Chapter (other than section 204).

(5) Any person who is duly authorised in writing by the Secretary of State may enter any land in connection with the exercise of any functions conferred on the Secretary of State by or under this Chapter.

(6) The Secretary of State shall not authorise any person as mentioned in subsection (2) without consulting the local planning authority.

(7) Admission shall not be demanded as of right—

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(a) by virtue of subsection (1) or (2) to any building used as a dwellinghouse; or

(b) by virtue of subsection (3), (4) or (5) to any land which is occupied,

unless twenty-four hours' notice of the intended entry has been given to the occupier.

(8) Any right to enter by virtue of this section shall be exercised at a reasonable hour.

214C Right to enter under warrant.

(1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 214B(1) or (2); and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

the justice may issue a warrant authorising any person duly authorised in writing by a local planning authority or, as the case may be, the Secretary of State to enter the land.

(2) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

214D Rights of entry: supplementary provisions.

(1) Any power conferred under or by virtue of section 214B or 214C to enter land (referred to in this section as "a right of entry") shall be construed as including power to take samples from any tree and samples of the soil.

(2) A person authorised to enter land in the exercise of a right of entry—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(3) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any damage is caused to land or chattels in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State.

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(5) The provisions of section 118 shall apply in relation to compensation under subsection (4) as they apply in relation to compensation under Part IV."

(8) In section 324 (rights of entry)—

(a) in subsection (1), in paragraph (b) "198 to 200" is omitted;

(b) in paragraph (c) of that subsection for "or Part VIII" there is inserted " or Chapter 2 or 3 of Part VIII ";

(c) subsection (2) is omitted; and

(d) in subsection (5) for "Part VIII (other than section 204)" there is substituted " Chapter 2 or 3 of Part VIII ".

VALID FROM 06/04/1992

24 Advertisements.

In section 336(1) of the principal Act (interpretation) in the definition of "advertisement"—

(a) after "notice" there is inserted " awning, blind ";

(b) after "used," there is inserted " or designed "; and

(c) after "use" there is inserted " and anything else principally used, or designed or adapted principally for use, ".

Commencement Information

I16 S. 24 wholly in force at 6.4.1992 see s. 84(2) and S.I. 1992/665, **art. 2**

VALID FROM 25/11/1991

25 Listed buildings, conservation areas and hazardous substances.

Schedule 3 to this Act (which makes amendments in relation to the enforcement of the enactments about listed buildings, conservation areas and hazardous substances) shall have effect.

Commencement Information

I17 S. 25 wholly in force: s. 25 in force for certain purposes at 25.9.1991, see s.84(2)(3) and S.I. 1991/2067, **art. 3**; s. 25 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2**; s. 25 wholly in force at 2.1.1992 so far as not already in force by S.I. 1991/2905, **arts. 3**,5

Development plans and simplified planning zones

26 Status of development plans.

At the end of Part II of the principal Act there is inserted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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"**CHAPTER III**

GENERAL

54A **Status of development plans.**

Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

Commencement Information

I18 S. 26 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

27 Streamlining of development plan system.

Schedule 4 to this Act (which provides for streamlining the development plan system) shall have effect.

28 Simplified planning zones.

Schedule 5 to this Act which—

(a) modifies the procedure for making simplified planning zones, and

(b) makes minor and consequential amendments of Schedule 7 to the principal Act,

shall have effect.

Miscellaneous

29 Functions of Historic Buildings and Monuments Commission.

(1) In section 33 of the [M14]National Heritage Act 1983 (general functions of Commission) after subsection (2) there is inserted—

"(2A) In relation to England, the Commission may—

(a) prosecute any offence under Part I of the [M15]Ancient Monuments and Archaeological Areas Act 1979 or under the [M16]Planning (Listed Buildings and Conservation Areas) Act 1990, or

(b) institute in their own name proceedings for an injunction to restrain any contravention of any provision of that Part or of that Act of 1990."

(2) In section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (application of general provisions of principal Act, including power under section 330 to require information) after subsection (2) there is inserted—

"(3) In the application of section 330 by virtue of this section, references to a local authority include the Commission."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I19 S. 29 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

Marginal Citations

M14 1983 c. 47.
M15 1979 c. 46.
M16 1990 c. 9.

30 Orders as to costs where inquiry or hearing does not take place.

(1) After section 322 of the principal Act there is inserted—

"**322A Orders as to costs: supplementary.**

(1) This section applies where—

(a) for the purposes of any proceedings under this Act—

(i) the Secretary of State is required, before a decision is reached, to give any person an opportunity, or ask any person whether he wishes, to appear before and be heard by a person appointed by him; and

(ii) arrangements are made for a local inquiry or hearing to be held;

(b) the inquiry or hearing does not take place; and

(c) if it had taken place, the Secretary of State or a person appointed by him would have had power to make an order under section 250(5) of the [M17]Local Government Act 1972 requiring any party to pay any costs of any other party.

(2) Where this section applies the power to make such an order may be exercised, in relation to costs incurred for the purposes of the inquiry or hearing, as if it had taken place."

(2) In section 89(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 37(2) of the [M18] Planning (Hazardous Substances) Act 1990 (application of provisions of the principal Act) before "323" there is inserted " 322A (orders as to costs: supplementary) ".

Marginal Citations

M17 1972 c. 70.
M18 1990 c. 10.

31 Planning compensation repeals.

(1) Part V of the principal Act (compensation for restrictions on new development where land has an unexpended balance of development value) and Schedule 12 to that Act (unexpended balance of development value) are repealed.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(2) Section 114 of that Act (compensation for planning decisions restricting development other than new development) is repealed.

(3) Section 27 of the [M19]Planning (Listed Buildings and Conservation Areas) Act 1990 (compensation for refusal of consent to alteration, etc. of listed building) is repealed.

(4) Schedule 6 to this Act (compensation repeals: minor and consequential amendments) shall have effect.

(5) Subsection (1) above shall have effect in relation to any compensation under Part V of the principal Act unless a claim for the compensation has been made in accordance with section 127 of that Act before the repeal of that section comes into force.

(6) Any amount recoverable under section 133 of that Act which has not been paid, including any interest on any such amount, shall cease to be recoverable and any mortgage, covenant or other obligation by which the payment of any such amount, or interest on it, is secured is discharged.

(7) The repeal of section 114 of that Act shall have effect, or be treated as having had effect, where the application for planning permission was made on or after 16th November 1990.

(8) The repeal of section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 shall have effect, or be treated as having had effect, where the application for listed building consent was made on or after 16th November 1990.

Commencement Information

I20 S. 31 wholly in force; s. 31 partly in force at 25.7.1991, see s. 84(2)(3) and wholly in force so far as not already in force at 25.9.1991 by S.I. 1991/2067, **art.3**.

Marginal Citations

M19 1990. c. 9.

32 Planning: minor and consequential amendments.

Schedule 7 to this Act (which makes minor and consequential amendments of the enactments relating to planning) shall have effect.

Commencement Information

I21 S. 32 wholly in force; s. 32 not in force at Royal Assent see s. 84(2); s. 32 in force in so far as it relates to specified provisions in Sch. 7 as follows: at 25.9.1991 by S.I. 1991/2067, **arts. 3**, 4; at 25.10.1991 by S.I. 1991/2272, **art. 3(1)(c)**; at 25.11.1991 for certain purposes by S.I. 1991/2728, **art. 2**; at 2.1.1992 and at 10.2.1992 by S.I. 1991/2905, **arts. 3**, 4, 5; at 6.4.1992 by S.I. 1992/665, **art. 2**; at 27.7.1992 by S.I. 1992/1279, **art. 2** and by S.I. 1992/1630, art. 2, **Sch. 1**; at 9.11.1992 by S.I. 1992/2831, **arts. 2**, 3.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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PART II

TOWN AND COUNTRY PLANNING - SCOTLAND

VALID FROM 26/03/1992

New enforcement powers

33 Planning contravention notices.

In the [M20]Town and Country Planning (Scotland) Act 1972 (referred to in this Act as "the 1972 Act") in Part V (enforcement of controls under Parts III and IV) before section 84 there is inserted—

" Planning contravention notices

83C **Power to require information about activities on land.**

(1) Where it appears to the planning authority that there may have been a breach of planning control in respect of any land, they may serve notice to that effect (referred to in this Act as a "planning contravention notice") on any person who—

(a) is the owner or occupier of the land or has any other interest in it; or

(b) is carrying out operations on the land or is using it for any purpose.

(2) A planning contravention notice may require the person on whom it is served to give such information as to—

(a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land; and

(b) any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted,

as may be specified in the notice.

(3) Without prejudice to the generality of subsection (2) of this section, the notice may require the person on whom it is served, so far as he is able—

(a) to state whether or not the land is being used for any purpose specified in the notice or any operations or activities specified in the notice are being or have been carried out on the land;

(b) to state when any use, operations or activities began;

(c) to give the name and address of any person known to him to use or have used the land for any purpose or to be carrying out, or have carried out, any operations or activities on the land;

(d) to give any information he holds as to any planning permission for any use or operations or any reason for planning permission not being required for any use or operation;

(e) to state the nature of his interest (if any) in the land and the name and address of any other person known to him to have an interest in the land.

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) A planning contravention notice may give notice of a time and place at which—

(a) any offer which the person on whom the notice is served may wish to make to apply for planning permission, to refrain from carrying out any operations or activities or to undertake remedial works; and

(b) any representations which he may wish to make about the notice,

will be considered by the authority, and the authority shall give him an opportunity to make in person any such offer or representations at that time and place.

(5) A planning contravention notice must inform the person on whom it is served—

(a) of the likely consequences of his failing to respond to the notice and, in particular, that enforcement action may be taken; and

(b) of the effect of section 166(6) of this Act.

(6) Any requirement of a planning contravention notice shall be complied with by giving information in writing to the planning authority.

(7) The service of a planning contravention notice does not affect any other power exercisable in respect of any breach of planning control.

(8) In this section references to operations or activities on land include operations or activities in, under or over the land.

83D **Penalties for non-compliance with planning contravention notice.**

(1) If at any time after the end of the period of twenty-one days beginning with the day on which a planning contravention notice has been served on any person, he has not complied with any requirement of the notice, he shall be guilty of an offence.

(2) An offence under subsection (1) of this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(3) It shall be a defence for a person charged with an offence under subsection (1) of this section to prove that he had a reasonable excuse for failing to comply with the requirement.

(4) A person guilty of an offence under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If any person—

(a) makes any statement purporting to comply with a requirement of a planning contravention notice which he knows to be false or misleading in a material particular; or

(b) recklessly makes such a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

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(6) A person guilty of an offence under subsection (5) of this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale."

Commencement Information

I22 S. 33 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

Marginal Citations

M20 1972 c. 52.

VALID FROM 10/08/1992

34 Enforcement of conditions.

Before section 87A of the 1972 Act there is inserted—

" Breach of condition

87AA **Enforcement of conditions.**

(1) This section applies where planning permission for carrying out any development has been granted subject to conditions.

(2) The planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a "breach of condition notice") on—

(a) any person who is carrying out or has carried out the development; or

(b) any person having control of the land,

requiring him to secure compliance with such of the conditions as are specified in the notice.

(3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.

(4) The conditions which may be specified in a notice served by virtue of subsection (2)(b) of this section are any of the conditions regulating the use of the land.

(5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.

(6) The authority may by notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.

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(7) The period allowed for compliance with the notice is—

(a) such period of not less than twenty-eight days beginning with the date of service of the notice as may be specified in the notice, or

(b) that period as extended by a further notice served by the planning authority on the person responsible.

(8) If, at any time after the end of the period allowed for compliance with the notice.

(a) any of the conditions specified in the notice is not complied with, and

(b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased,

the person responsible is in breach of the notice.

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) of this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(11) It shall be a defence for a person charged with an offence under subsection (9) of this section to prove—

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice; or

(b) where the notice was served on him by virtue of subsection (2) (b) of this section, that he no longer had control of the land.

(12) A person who is guilty of an offence under subsection (9) of this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In this section—

(a) "conditions" includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so."

Commencement Information

I23 S. 34 wholly in force; s. 34 not in force at Royal Assent see s. 84(2); s. 34 in force to a certain extent at 10.8.1992 by S.I. 1992/1937, **art. 3** and in force at 25.9.1992 insofar as not already in force by S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

35 Interdicts relating to breaches of planning control.

After section 260 of the 1972 Act there is inserted—

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" Interdicts restraining breaches of planning control

260A Interdicts restraining breaches of planning control.

(1) Whether or not they have exercised or propose to exercise any of their other powers under this Act, a planning authority may seek to restrain or prevent any actual or apprehended breach of any of the controls provided for by or under this Act by means of an application for interdict.

(2) On an application under subsection (1) of this section the court may grant such interdict as it thinks appropriate for the purpose of restraining or preventing the breach.

(3) In this section "the court" means the Court of Session or the sheriff."

Commencement Information

I24 S. 35 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 24/02/1992

Other changes relating to enforcement

VALID FROM 26/03/1992

36 Time limits on enforcement action.

(1) At the beginning of Part V of the 1972 Act (enforcement of control under Parts III and IV) there is inserted—

" Introductory

83A **Expressions used in connection with enforcement.**

(1) For the purposes of this Act—

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act—

(a) the issue of an enforcement notice (defined in section 84 of this Act); or

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(b) the service of a breach of condition notice (defined in section 87AA of this Act),

constitutes taking enforcement action.

(3) In this Part of this Act "planning permission" includes planning permission under Part III of the [M21]Town and Country Planning (Scotland) Act 1947.

83B **Time limits.**

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the planning authority have taken or purported to take enforcement action in respect of that breach."

(2) If, in the case of any breach of planning control, the time for issuing an enforcement notice has expired, before the coming into force of this section, by virtue of section 84(3)(b) of the 1972 Act (as originally enacted), nothing in this section enables any enforcement action to be taken in respect of the breach.

Commencement Information

I25 S. 36 wholly in force; s. 36 not in force at Royal Assent see s. 84(2); s. 36 in force for certain purposes at 26.3.1992 by S.I. 1992/334, **art. 4** (subject to art. 5 of that S.I.); s. 36 in force at 25.9.1992 insofar as not already in force by S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.)

Marginal Citations

M21 1947 c. 53.

37 Enforcement notices.

For section 84 of the 1972 Act (power to serve enforcement notice) there is substituted—

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"**84 Issue of enforcement notice.**

(1) The planning authority may issue a notice (in this Act referred to as an "enforcement notice") where it appears to them—

(a) that there has been a breach of planning control; and

(b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served—

(a) on the owner and on the occupier of the land to which it relates; and

(b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place—

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

84AA Contents and effect of notice.

(1) An enforcement notice shall state—

(a) the matters which appear to the planning authority to constitute the breach of planning control; and

(b) the paragraph of section 83A(1) of this Act within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) of this section if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are—

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require—

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

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(6) An enforcement notice issued in respect of a breach of planning control consisting of demolition of a building may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7) of this section, is as similar as possible to the demolished building.

(7) A replacement building—

(a) must comply with any requirement imposed by or under any enactment applicable to the construction of buildings;

(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;

(c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b) of this subsection).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to section 85(3) of this Act, shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part of this Act to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 84 of this Act to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 85 of this Act.

(11) Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted under section 29 of this Act in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

(a) an enforcement notice requires the construction of a replacement building; and

(b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted under section 29 of this Act in respect of development consisting of that construction.

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84AB Variation and withdrawal of enforcement notices.

(1) The planning authority may—

(a) withdraw an enforcement notice issued by them; or

(b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 84AA(9) of this Act.

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the planning authority to issue a further enforcement notice."

Commencement Information

I26 S. 37 wholly in force; s. 37 not in force at Royal Assent see s. 84(2); s. 37 in force for certain purposes at 24.2.1992 by S.I. 1992/334, **art. 3** and wholly in force at 26.3.1992 by S.I. 1992/334, **art. 4** (subject to art. 5 of that S.I.)

VALID FROM 26/03/1992

38 Appeal against enforcement notice.

(1) For section 85(1) and (2) of the 1972 Act (appeal against enforcement notice) there is substituted—

"(1) A person on whom an enforcement notice is served, or any other person having an interest in the land may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Secretary of State against the notice on any of the following grounds—

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 84 of this Act;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy

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any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 84AA(9) of this Act falls short of what should reasonably be allowed.

(2) An appeal under this section shall be made either—

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date."

(2) After section 85(7) of that Act (appellant deemed to have made an application for planning permission for the development to which the enforcement notice relates) there is inserted—

"(7A) Where—

(a) the statement under subsection (2A) of section 85 of this Act specifies the ground mentioned in subsection (1)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 87 (fees for planning applications etc.) of the [M22]Local Government, Planning and Land Act 1980 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period."

Commencement Information

I27 S. 38 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

Marginal Citations

M22 1980 c. 65.

VALID FROM 26/03/1992

39 Execution of works required by enforcement notice.

At the end of section 88 of the 1972 Act (execution and cost of works required by enforcement notice) there is inserted—

"(6) Any person who wilfully obstructs a person acting in the exercise of powers under subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale."

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Commencement Information

I28 S. 39 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 26/03/1992

40 Offence where enforcement notice not complied with.

For section 86 of the 1972 Act (penalties for non-compliance with enforcement notice) there is substituted—

"**86 Offence where enforcement notice not complied with.**

(1) Where, at any time after the end of the period for compliance with an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.

(2) Where the owner of the land is in breach of the notice he shall be guilty of an offence.

(3) In proceedings against any person for an offence under subsection (2) of this section, it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.

(4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.

(5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) of this section shall be guilty of an offence.

(6) An offence under subsection (2) or (5) of this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.

(7) Where—

(a) a person charged with an offence under this section has not been served with a copy of the enforcement notice; and

(b) the notice is not contained in the appropriate register kept under section 87A of this Act,

it shall be a defence for him to show that he was not aware of the existence of the notice.

(8) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000; and

(b) on conviction on indictment, to a fine.

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(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence."

Commencement Information

I29 S. 40 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 26/03/1992

41 Stop notices.

(1) For section 87(1) to (3) of the 1972 Act (stop notices) there is substituted—

"(1) Where the planning authority consider it expedient that any relevant activity should cease before the expiry of the period for compliance with an enforcement notice, they may, when they serve the copy of the enforcement notice or afterwards, serve a notice (in this Act referred to as a "stop notice") prohibiting the carrying out of that activity on the land to which the enforcement notice relates, or any part of that land specified in the stop notice.

(2) In this section, "relevant activity" means any activity specified in the enforcement notice as an activity which the planning authority require to cease and any activity carried out as part of that activity or associated with that activity.

(2A) A stop notice may not be served where the enforcement notice has taken effect.

(2B) A stop notice shall not prohibit the use of any building as a dwellinghouse.

(2C) A stop notice shall not prohibit the carrying out of any activity if the activity has been carried out (whether continuously or not) for a period of more than four years ending with the service of the notice; and for the purposes of this subsection no account is to be taken of any period during which the activity was authorised by planning permission.

(2D) Subsection (2C) of this section does not prevent a stop notice prohibiting any activity consisting of, or incidental to, building, engineering, mining or other operations or the deposit of refuse or waste materials.

(3) A stop notice shall specify the date when it is to come into effect, and that date—

(a) must not be earlier than three days after the date when the notice is served, unless the planning authority consider that there are special reasons for specifying an earlier date and a statement of those reasons is served with the stop notice; and

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(b) must not be later than twenty-eight days from the date when the notice is first served on any person."

(2) For section 87(8) of that Act there is substituted—

"(8) If any person contravenes a stop notice after a site notice has been displayed or the stop notice has been served on him he shall be guilty of an offence.

(8A) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.

(8B) It shall be a defence in any proceedings under subsection (8) of this section that the stop notice was not served on the accused and that he had no reasonable cause to believe that the activity was prohibited by the stop notice.

(8C) References in this section to contravening a stop notice include causing or permitting its contravention.

(8D) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000; and

(b) on conviction on indictment, to a fine.

(8E) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence."

(3) For section 166(6) of that Act (compensation for loss due to stop notice) there is substituted—

"(6) No compensation is payable under this section—

(a) in respect of the prohibition in a stop notice of any activity which, at any time when the notice is in force, constitutes or contributes to a breach of planning control; or

(b) in the case of a claimant who was required to provide information under section 83C, 83D or 270 of this Act in respect of any loss or damage suffered by him which could have been avoided if he had provided the information or had otherwise co-operated with the planning authority when responding to the notice."

Commencement Information

I30 S. 41 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 10/08/1992

42 Certificate of lawful use or development.

(1) For section 90 of, and Schedule 12 to, the 1972 Act (certification of established use) there is substituted—

" Certificate of lawful use or development

90 Certificate of lawfulness of existing use or development.

(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act, uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act, any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(4) If, on an application under this section, the planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 19(2)(f) of this Act, identifying it by reference to that class);

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) give the reasons for determining the use, operations or other thing to be lawful; and

(d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—

(a) section 3(3) of the [M23]Caravan Sites and Control of Development Act 1960;

(b) section 5(2) of the [M24]Control of Pollution Act 1974; and

(c) section 36(2)(a) of the [M25]Environmental Protection Act 1990.

90A Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 19(2)(f) of this Act, identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) There shall be an irrefutable presumption as to the lawfulness of any use or operations for which a certificate is in force under this section unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

90B Certificates under sections 90 and 90A: supplementary provisions.

(1) An application for a certificate under section 90 or 90A of this Act shall be made in such manner as may be prescribed by regulations under this Act or a development order and shall include such particulars, and be verified by such evidence, as may be required by such regulations or such an order

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or by any directions given under such regulations or such an order or by the planning authority.

(2) Provision may be made by such regulations or a development order for regulating the manner in which applications for certificates under those sections are to be dealt with by planning authorities.

(3) In particular, such regulations or such an order may provide for requiring the authority—

(a) to give to any applicant within such time as may be prescribed by the regulations or the order such notice as may be so prescribed as to the manner in which his application has been dealt with; and

(b) to give to the Secretary of State and to such other persons as may be prescribed by or under the regulations or the order, such information as may be so prescribed with respect to such applications made to the authority, including information as to the manner in which any application has been dealt with.

(4) A certificate under either of those sections may be issued—

(a) for the whole or part of the land specified in the application; and

(b) where the application specifies two or more uses, operations or other things, for all of them or some one or more of them,

and shall be in such form as may be prescribed by such regulations or a development order.

(5) A certificate under section 90 or 90A shall not affect any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted unless that matter is described in the certificate.

(6) In section 31 of this Act references to applications for planning permission shall include references to applications for certificates under section 90 or 90A of this Act.

(7) A planning authority may revoke a certificate under either of those sections if, on the application for the certificate—

(a) a statement was made or document used which was false in a material particular; or

(b) any material information was withheld.

(8) Provision may be made by such regulations or a development order for regulating the manner in which certificates may be revoked and the notice to be given of such revocation.

90C Offences.

(1) If any person, for the purpose of procuring a particular decision on an application (whether by himself or another) for the issue of a certificate under section 90 or 90A of this Act—

(a) knowingly or recklessly makes a statement which is false or misleading in a material particular;

(b) with intent to deceive, uses any document which is false or misleading in a material particular; or

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) with intent to deceive, withholds any material information,

he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) of this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.”

(2) An order under section 84(2) of this Act may provide for established use certificates to have effect, in such circumstances and to such extent as may be specified in the order, for the purposes of section 90 of the 1972 Act as substituted by this section.

Commencement Information

I31 S. 42 wholly in force; s. 42 not in force at Royal Assent see s. 84(2); s. 42 in force for certain purposes at 10.8.1992 by S.I. 1992/1937, **art. 3** and in force at 25.9.1992 insofar as not already in force by S.I. 1992/1937, **art. 4** (subject to art.5 of that S.I.).

Marginal Citations

M23 1960 c. 62.
M24 1974 c. 40.
M25 1990 c. 43.

VALID FROM 26/03/1992

43 Rights of entry.

(1) After section 91 of the 1972 Act there is inserted—

“ Rights of entry for enforcement purposes

91A Right to enter without warrant.

(1) Any person duly authorised in writing by a planning authority may at any reasonable hour enter any land—

(a) to ascertain whether there is or has been any breach of planning control on the land or any other land;

(b) to determine whether any of the powers conferred on a planning authority by sections 84 to 91 or 100 of this Act should be exercised in relation to the land or any other land;

(c) to determine how any such power should be exercised in relation to the land or any other land;

(d) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or any other land,

if there are reasonable grounds for entering for the purpose in question.

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(2) Any person duly authorised in writing by the Secretary of State may at any reasonable hour enter any land to determine whether an enforcement notice should be issued in relation to the land or any other land, if there are reasonable grounds for entering for that purpose.

(3) The Secretary of State shall not so authorise any person without consulting the planning authority.

(4) Admission to any building used as a dwellinghouse shall not be demanded as of right by virtue of subsection (1) or (2) of this section unless 24 hours' notice of the intended entry has been given to the occupier of the building.

91B Right to enter under warrant.

(1) If the sheriff is satisfied —

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 91A(1) or (2) of this Act; and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

he may issue a warrant authorising any person duly authorised in writing to enter the land.

(2) For the purposes of subsection (1)(b)(i) of this section admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

91C Rights of entry: supplementary provisions.

(1) A person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of section 91A or 91B of this Act (referred to in this section as "a right of entry")—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any damage is caused to land or moveable property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The provisions of section 168 of this Act shall apply in relation to compensation under subsection (3) of this section as they apply in relation to compensation under Part VIII of this Act.

(5) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(6) Subsection (4) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(7) A person who is guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.”

(2) In section 266(4) of the 1972 Act (compensation for damage caused in exercise of right of entry)—

(a) for “land is damaged" there is substituted “ damage is caused to land or moveable property ”; and

(b) for the words from “in respect of" to “in the land" there is substituted “ may be recovered by any person suffering the damage ”.

Commencement Information

I32 S. 43 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

Control over development

VALID FROM 03/02/1995

44 Demolition of buildings.

(1) In section 19 of the 1972 Act (meaning of “development") after subsection (1) there is inserted—

“(1A) For the purposes of this Act “building operations” includes—

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.”

(2) In subsection (2) of that section after paragraph (f) there is inserted—

“(g) the demolition of any description of building specified in a direction given by the Secretary of State to planning authorities generally or to a particular planning authority.”

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(3) After section 154(3) of the 1972 Act (compensation for refusal or conditional grant of planning permission formerly granted by development order) there is inserted—

"(3A) Regulations made by virtue of this subsection may provide that subsections (1) and (2) of this section shall not apply where planning permission granted by a development order for demolition of buildings or any description of buildings is withdrawn by the issue of directions under powers conferred by the order."

Modifications etc. (not altering text)
C3 S. 44 restricted (3.2.1995) by S.I. 1994/3292, **art.4**

VALID FROM 10/08/1992

45 Fish farming.

(1) After subsection (3A) of section 19 (meaning of "development") of the 1972 Act there is inserted—

"(3B) Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection—

"fish farming" means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean or mollusc);

"inland waters" means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and

"tank" includes any cage and any other structure for use in fish farming."

(2) This section does not apply to the placing or assembly of any structure before this section comes into force.

Commencement Information
I33 S. 45 wholly in force (subject to S.I. 1992/1937, **art. 5**) at 10.8.1992 see s. 84(2)(3) and S.I. 1992/1937, **arts. 3**, 5.

VALID FROM 03/02/1995

46 Notice etc. of applications to owners and agricultural tenants.

(1) For section 24 of the 1972 Act (notification of applications for planning permission) there is substituted—

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"**24 Notice etc. of applications to owners and agricultural tenants.**

(1) A development order or regulations under this Act shall make provision—

(a) as to the notice of any application for planning permission to be given to any person (other than the applicant) who at the beginning of the period of twenty-one days ending with the date of the application was—

(i) the owner of, or

(ii) the tenant of any agricultural holding any part of which was comprised in,

any of the land to which the application relates; and

(b) requiring any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used,

and provide for publicising such applications and for the form, content and service of such notices and certificates.

(2) A development order or such regulations may require an applicant for planning permission to certify, in such form as may be prescribed by the order or the regulations, or to provide evidence, that any requirements of the order or the regulations have been satisfied.

(3) A development order or such regulations making any provision by virtue of this section may make different provision for different cases or different classes of development.

(4) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.

(5) If any person—

(a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or

(b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) In this section—

"agricultural holding" has the same meaning as in the [M26]Agricultural Holdings (Scotland) Act 1991; and

"owner" in relation to any land means any person who—

(a) under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than seven years; or

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(b) in the case of such applications as may be prescribed by a development order or by regulations, is entitled to an interest in any mineral so prescribed,

and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.

(8) Proceedings for an offence under this section may be brought at any time within the period of two years following the commission of the offence."

(2) For section 26(3) of the 1972 Act there is substituted—

"(3) Where an application for planning permission is accompanied by such a certificate as is mentioned in subsection (1)(b) or (3) of section 24 of this Act a development order or regulations under this Act may—

(a) provide that a planning authority shall not determine an application for planning permission before the end of such period as may be prescribed;

(b) require a planning authority—

(i) to take into account in determining such an application such representations, made within such period, as may be prescribed; and

(ii) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.

(3A) A development order or regulations making any provision by virtue of this section may make different provision for different cases or different classes of development."

Marginal Citations

M26 1991 c. 55.

47 Power of planning authority to decline to determine applications.

(1) After section 26 of the 1972 Act there is inserted—

"**26A Power of planning authority to decline to determine applications.**

(1) A planning authority may decline to determine an application for planning permission for the development of any land if—

(a) within the period of two years ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under section 32 of this Act or has dismissed an appeal against the refusal of a similar application; and

(b) in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in paragraph (a) of this subsection in the development plan, so far as material to the application, or in any other material considerations.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(2) For the purposes of this section an application for planning permission for the development of any land shall only be taken to be similar to a later application if the development and the land to which the applications relate are in the opinion of the planning authority the same or substantially the same.

(3) The reference in subsection (1)(a) of this section to an appeal against the refusal of an application includes an appeal under section 34 in respect of an application.".

(2) In section 34 (appeal in default of planning decision) of the 1972 Act—

(a) the word "either" is omitted; and

(b) after paragraph (a) there is inserted—

"(ab) give notice to the applicant that they have exercised their power under section 26A of this Act to decline to determine the application; or".

Modifications etc. (not altering text)

C4 S. 47(1) restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt.II para. 1**

Commencement Information

I34 S. 47 wholly in force at 25.9.1991 see s. 84(2)(3) and SI 1991/2092, art. 3

48 Assessment of environmental effects.

After section 26 of the 1972 Act there is inserted—

"**26B Assessment of environmental effects.**

(1) The Secretary of State may by regulations under this Act make provision about the consideration to be given, before planning permission for development of any class specified in the regulations is granted, to the likely environmental effects of the proposed development.

(2) The regulations—

(a) may make the same provision as, or provision similar or corresponding to, any provision made, for the purposes of any Community obligation of the United Kingdom about the assessment of the likely effects of development on the environment, under section 2(2) of the [M27]European Communities Act 1972; and

(b) may make different provisions for different classes of development.

(3) Where a draft of regulations made in exercise both of the power conferred by this section and the power conferred by section 2(2) of the European Communities Act 1972 is approved by resolution of each House of Parliament, no statutory instrument containing such regulations shall be subject to annulment by virtue of subsection (2) of section 273 (regulations and orders) of this Act."

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Commencement Information

I35 S. 48 wholly in force at 25.9.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations

M27 1972 c. 68.

VALID FROM 24/01/1992

49 Agreements relating to Crown land.

(1) In subsection (2) of section 50 (agreements regulating development or use of land) of the 1972 Act, after "Sasines" there is inserted " or, as the case may be, registered in the Land Register of Scotland, ".

(2) In subsection (1) of section 254 (agreements relating to Crown land) of the 1972 Act—

(a) after "agreements" there is inserted " (a) "; and

(b) after "thereto" there is inserted—

"and

(b) for the purpose of restricting or regulating the development or use of the land,

either permanently or during such period as may be prescribed by the agreement. "

(3) After subsection (1) of that section there is inserted—

"(1A) Subject to subsection (1B) of this section an agreement made under subsection (1)(b) of this section may, if it has been recorded in the appropriate Register of Sasines or, as the case may be, registered in the Land Register of Scotland, be enforceable at the instance of the planning authority against persons deriving title to the land from the appropriate authority.

(1B) An agreement made under subsection (1)(b) of this section shall not be enforceable against a third party who has in good faith and for value acquired right (whether completed by infeftment or not) to the land prior to the agreement being recorded or, as the case may be, registered as aforesaid or against any person deriving title from such a third party."

Commencement Information

I36 S. 49 wholly in force at 24.1.1992 see s. 84(2) and S.I. 1992/71, **art. 2**

50 Dismissal of appeals in cases of undue delay.

(1) After section 33(7) of the 1972 Act (appeals against planning decisions) there is inserted—

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"(7A) If at any time before or during the determination of an appeal under this section it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—

(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly."

(2) In paragraph 2(1)(a) of Schedule 7 to that Act (powers and duties of person determining appeals) for "subsections (3) and (5)" there is substituted " subsections (3), (5), and (7A) ".

Commencement Information

I37 S. 50 wholly in force at 25.9.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Controls over particular matters

VALID FROM 24/01/1992

51 Mines and waste.

Schedule 8 to this Act (which, among other things, provides for after-care where permission is given to deposit refuse or waste materials and provides for altering the provisions relating to compensation for restrictions on mineral working and depositing mineral waste) shall have effect.

Commencement Information

I38 S. 51 wholly in force at 24.1.1992 see s. 84(2) and S.I. 1992/71, **art. 2**

VALID FROM 24/01/1992

52 Old mining permissions.

After section 49G of the 1972 Act there is inserted

"**49H Old mining permissions.**

(1) In this section and Schedule 10A to this Act, "old mining permission" means any planning permission for development—

(a) consisting of the winning and working of minerals, or

(b) involving the depositing of mineral waste,

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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which is deemed to have been granted by virtue of paragraph 77 of Schedule 22 to this Act (development authorised under interim development orders after 10th November 1943).

(2) An old mining permission shall, if an application under that Schedule to determine the conditions to which the permission is to be subject is finally determined, have effect as from the final determination as if granted on the terms required to be registered.

(3) If no such development has, at any time in the period of two years ending with 16th May 1991, been carried out to any substantial extent anywhere in, on or under the land to which an old mining permission relates, that permission shall not authorise any such development to be carried out after the coming into force of this section unless—

(a) the permission has effect in accordance with subsection (2) above; and

(b) the development is carried out after such an application is finally determined.

(4) An old mining permission shall—

(a) if no application for the registration of the permission is made under that Schedule, cease to have effect on the day following the last date on which such an application may be made, and

(b) if such an application is refused, cease to have effect on the day following the date on which the application is finally determined.

(5) An old mining permission shall, if—

(a) such an application is granted; but

(b) an application under that Schedule to determine the conditions to which the permission is to be subject is required to be served before the end of any period and is not so served,

cease to have effect on the day following the last date on which the application to determine those conditions may be served.

(6) Subject to subsection (3) above, this section—

(a) shall not affect any development carried out under an old mining permission before an application under that Schedule to determine the conditions to which the permission is to be subject is finally determined or, as the case may be, the date on which the permission ceases to have effect; and

(b) shall not affect any order made or having effect as if made under section 49 or 49A to 49F of this Act (discontinuance, etc., orders).”.

Commencement Information

I39 S. 52 wholly in force at 24.1.1992 see s. 84(2) and S.I. 1992/71, **art. 2**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 24/01/1992

53 Transitional provision as to compensation regulations.

Without prejudice to section 17(2) of the [M28]Interpretation Act 1978, any regulations made, or having effect as if made, by virtue of section 167A (regulations as to mineral compensation) of the 1972 Act shall, to the extent that they are in force on the coming into force of paragraph 11 of Schedule 8 to this Act, have effect as if made under section 167A of that Act as substituted by that paragraph.

Commencement Information

I40 S. 53 wholly in force at 24.1.1992 see s. 84(2) and S.I. 1992/71, **art. 2**

Marginal Citations

M28 1978 c. 30.

VALID FROM 26/03/1992

54 Trees.

(1) In section 98 of the 1972 Act (penalties for non-compliance with tree preservation order), in subsection (1)—

(a) for paragraph (a) there is substituted—

"(a) on summary conviction to a fine not exceeding £20,000;"

(b) the words "on indictment", where second occurring, are omitted; and

(c) subsection (3) is omitted.

(2) In section 99 of the 1972 Act (enforcement of duties as to replacement of trees)—

(a) for subsection (2) there is substituted—

"(2) A notice under subsection (1) of this section shall specify a period at the end of which it is to take effect, being a period of not less than twenty-eight days beginning with the date of service of the notice.";

(b) in subsection (3)—

(i) for the words from "at any time" to "take effect" there is substituted " either by giving written notice to the Secretary of State before the end of the period specified in accordance with subsection (2) of this section, or by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before the end of that period, "; and

(ii) after paragraph (a) there is inserted—

"(ab) that in all the circumstances of the case the duty imposed by the said section 60(1) should be dispensed with in relation to any tree;"; and

(c) at the end there is inserted—

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"(6) Any person who wilfully obstructs a person acting in the exercise of the power under section 88(1) of this Act (as applied by subsection (5) of this section) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale."

(3) After section 99 there is inserted—

" Rights of entry

99A Rights to enter without warrant.

(1) Any person duly authorised in writing by a planning authority may enter any land for the purpose of—

(a) surveying it in connection with making or confirming a tree preservation order with respect to the land;

(b) ascertaining whether an offence under section 59A or 98 of this Act has been committed on the land; or

(c) determining whether a notice under section 99 should be served on the owner of the land,

if there are reasonable grounds for entering for the purpose in question.

(2) Any person duly authorised in writing by the Secretary of State may enter any land for the purpose of surveying it in connection with making, amending or revoking a tree preservation order with respect to the land if there are reasonable grounds for entering for that purpose.

(3) Any person who is duly authorised in writing by a planning authority may enter any land in connection with the exercise of any functions conferred on the authority by or under sections 57 to 60 and 99 of this Act.

(4) Any person who is an officer of the Valuation Office may enter any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of any land which is payable by the planning authority under section 163 of this Act.

(5) Any person who is duly authorised in writing by the Secretary of State may enter any land in connection with the exercise of any functions conferred on the Secretary of State by or under section 58 or 99 of this Act.

(6) The Secretary of State shall not authorise any person as mentioned in subsection (2) without consulting the planning authority.

(7) Admission shall not be demanded as of right—

(a) by virtue of subsection (1) or (2) to any building used as a dwellinghouse; or

(b) by virtue of subsection (3), (4) or (5) to any land which is occupied,

unless 24 hours' notice of the intended entry has been given to the occupier.

(8) Any right to enter by virtue of this section shall be exercised at a reasonable hour.

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99B Right to enter under warrant.

(1) If the sheriff is satisfied—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 99A(1) or (2) of this Act; and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

he may issue a warrant authorising any person duly authorised in writing by a planning authority or, as the case may be, the Secretary of State to enter the land.

(2) For the purposes of subsection (1)(b)(i) of this section admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

99C Rights of entry: supplementary provisions.

(1) Any power conferred under or by virtue of section 99A or 99B to enter land (referred to in this section as "a right of entry") shall be construed as including power to take samples from any tree and samples of the soil.

(2) A person authorised to enter land in the exercise of a right of entry—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(3) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any damage is caused to land or moveable property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State."

Commencement Information

I41 S. 54 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 10/08/1992

55 Control over advertisements.

In section 275 of the 1972 Act (interpretation), in subsection (1), in the definition of "advertisement"—

(a) after "notice" there is inserted " awning, blind ";

(b) after "used" there is inserted " or designed "; and

(c) after "use" there is inserted " and anything else used, or designed or adapted principally for use, ".

Commencement Information

I42 S. 55 wholly in force at 10.8.1992 see s. 84(2) and S.I. 1992/1937, **art. 3**

VALID FROM 26/03/1992

56 Power to remove or obliterate placards and posters.

After section 101 of the 1972 Act there is inserted—

"**101A Power to remove or obliterate placards and posters.**

(1) Subject to the provisions of this section, a planning authority may remove or obliterate any placard or poster—

(a) which is displayed in their area; and

(b) which in their opinion is so displayed in contravention of regulations made under section 61 of this Act.

(2) Subsection (1) of this section does not authorise the removal or obliteration of a placard or poster displayed within a building to which there is no public right of access.

(3) Subject to subsection (4) of this section, where a placard or poster identifies the person who displayed it or caused it to be displayed, the planning authority shall not exercise any power conferred by subsection (1) of this section unless they have first given him notice in writing—

(a) that in their opinion it is displayed in contravention of regulations made under section 61 of this Act; and

(b) that they intend to remove or obliterate it on the expiry of a period specified in the notice.

(4) Subsection (3) of this section does not apply if—

(a) the placard or poster does not give his address; and

(b) the authority do not know it and are unable to ascertain it after reasonable inquiry.

(5) The period specified in a notice under subsection (3) of this section must be not less than two days from the date of service of the notice.

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(6) Any person duly authorised in writing by the planning authority may at any reasonable time enter any land for the purpose of exercising a power conferred by this section if—

(a) the land is unoccupied; and

(b) it would be impossible to exercise the power without entering the land.".

Commencement Information

I43 S. 56 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

57 Listed buildings, conservation areas and hazardous substances.

Schedule 10 to this Act, which makes amendments to the 1972 Act in respect of listed buildings, conservation areas and hazardous substances, shall have effect.

Commencement Information

I44 S. 57 partly in force; s. 57 not in force at Royal Assent see s. 84(2); s. 57 in force in so far as it relates to specified provisions of Sch. 10 as follows: at 25.9.1991 by S.I. 1991/2092, **art. 3**; at 26.3.1992 by S.I. 1992/334, **art. 4** (subject to art. 5 of that S.I.); and insofar as it relates to paras. 3, 9 of Sch. 10 to this Act, at 18.2.1993 by S.I. 1993/275, **art. 2**; and insofar as it relates to para 11 of Sch. 10 to this Act, at 1.5.1993 by S.I. 1993/275, **art. 3**

VALID FROM 07/03/1994

Development plans and simplified planning zones

58 Status of development plans.

At the end of Part II of the 1972 Act (development plans) there is inserted—

" General

18A **Status of development plans.**

—Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.".

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VALID FROM 30/08/1995

59 Simplified planning zones.

Schedule 11 to this Act which—

(a) modifies the procedure for making simplified planning zones, and

(b) makes minor and consequential amendments to Schedule 6A to the 1972 Act,

shall have effect.

Miscellaneous

60 Repeal of certain compensation provisions of the 1972 Act.

(1) Part VII of the 1972 Act (which provides for compensation in respect of planning decisions restricting new development) is (with the exception of section 145 (determination of claims)) repealed.

(2) Section 158 of the 1972 Act (compensation for planning decisions restricting development other than new development) is repealed.

(3) Section 160 of the 1972 Act (compensation for refusal of consent to alteration, etc. of listed building) is repealed.

(4) Schedules 13, 14 and 15 of the 1972 Act are repealed.

(5) The repeal of sections 158 and 160 of the 1972 Act shall have effect, or be treated as having effect, where the application for planning permission or, as the case may be, listed building consent was made on or after 16th November 1990.

(6) Schedule 12 to this Act shall have effect.

(7) Subsection (1) of this section shall have effect in relation to any compensation under Part VII of the 1972 Act unless a claim for the compensation has been made in accordance with section 143 of this Act before the repeal of that section comes into force.

(8) Any amount recoverable under section 148 of the 1972 Act which has not been paid, including any interest on any such amount, shall cease to be recoverable and any security by which the payment of any such amount, or interest on it, is secured is discharged.

Modifications etc. (not altering text)

C5 S. 60(6) restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 2**

Commencement Information

I45 S. 60 wholly in force: s. 60(2)(3)(5) in force at 25. 7. 1991, see s. 84(2)(3); s. 60(1)(4)(6)(7)(8) in force at 25.9.1991 by S. I. 1991/2092, **art. 3**

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61 Planning: minor and consequential amendments - Scotland.

Schedule 13 to this Act (which makes minor and consequen tial amendments of the enactments relating to planning in Scotland) shall have effect.

Modifications etc. (not altering text)

C6 S. 61 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 3**

Commencement Information

I46 S. 61 partly in force; s. 61 not in force at Royal Assent see s. 84(2); s. 61 in force in so far as it relates to specified provisions of Sch. 13 as follows: at 25.09.1991 by S.I. 1991/2092, **art. 3**; at 13.10.1991 by S.I. 1991/2272, **art. 2(b)**; at 26.3.1992 by S.I. 1992/334, **arts. 4**, 5; at 10.8.1992, at 25.9.1992 by S.I. 1992/1937, **arts. 3**, 4, 5, at 7.3.1994 by S.I. 1994/398, **art. 2**, at 3.2.1995 by S.I. 1994/3292, **art. 3** and at 30.8.1995 by S.I. 1995/2045, **art. 3**

PART III

LAND COMPENSATION, ETC: ENGLAND AND WALES

Acquisition of land

62 Powers to acquire land which will be affected by public works.

(1) After section 26(2) of the [M29]Land Compensation Act 1973 (responsible authority may acquire land by agreement where enjoyment of land affected by public works) there is inserted—

"(2A) Where the responsible authority—

(a) propose to carry out works on blighted land for the construction or alteration of any public works, and

(b) are, in relation to the land, the appropriate authority,

they may, subject to the provisions of this section, acquire by agreement land the enjoyment of which will in their opinion be seriously affected by the carrying out of the works or the use of the public works if the interest of the vendor is a qualifying interest.

(2B) In this section—

"qualifying interest" has the meaning given in section 149(2) of the [M30]Town and Country Planning Act 1990, taking references to the relevant date as references to the date on which the purchase agreement is made, and

"appropriate authority" and "blighted land" have the meanings given respectively in sections 169(1) and 149(1) of that Act."

(2) After section 246(2) of the [M31]Highways Act 1980 (acquisition of land by agreement where enjoyment of land affected by works) there is inserted—

"(2A) Where the highway authority propose to carry out works on blighted land for the construction or improvement of a highway, they may acquire by agreement land the enjoyment of which will in their opinion be seriously affected by the

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carrying out of the works or the use of the highway if the interest of the vendor is a qualifying interest.

(2B) In this section—

"qualifying interest" has the meaning given in section 149(2) of the Town and Country Planning Act 1990, taking references to the relevant date as references to the date on which the purchase agreement is made, and

"blighted land" has the meaning given in section 149(1) of that Act."

Commencement Information

I47 S. 62 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

Marginal Citations

M29 1973 c. 26.
M30 1990 c. 8.
M31 1980 c. 66.

63 Advance payments of compensation and interest.

(1) In section 52 of the [M32]Land Compensation Act 1973 (right to advance payment of compensation) for subsection (5) there is substituted—

"(4A) Where, at any time after an advance payment has been made on the basis of the acquiring authority's estimate of the compensation, it appears to the acquiring authority that their estimate was too low, they shall, if a request in that behalf is made in accordance with subsection (2) above, pay to the claimant the balance of the amount of the advance payment calculated as at that time.

(5) Where the amount, or aggregate amount, of any payment under this section made on the basis of the acquiring authority's estimate of the compensation exceeds the compensation as finally determined or agreed, the excess shall be repaid; and if after any payment under this section has been made to any person it is discovered that he was not entitled to it, the amount of the payment shall be recoverable by the acquiring authority."

(2) After that section there is inserted—

"**52A Right to interest where advance payment made.**

(1) This section applies where the compensation to be paid by the acquiring authority for the compulsory acquisition of any interest in land would (apart from this section) carry interest under section 11(1) of the [M33]Compulsory Purchase Act 1965 or any bond under Schedule 3 to that Act or section 85 of the [M34]Lands Clauses Consolidation Act 1845.

(2) If the authority make a payment under section 52(1) above to any person on account of the compensation—

(a) they shall at the same time make a payment to that person of accrued interest, for the period beginning with the date of entry, on the amount

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by reference to which the payment under section 52(1) above was calculated; and

(b) the difference between the amount of the payment under section 52(1) above and the amount by reference to which it was calculated is an unpaid balance for the purposes of this section.

(3) If the authority make a payment under section 52(4A) above to any person on account of the compensation, they shall at the same time make a payment to him of accrued interest, for the period beginning with the date of entry, on—

(a) the amount by reference to which the payment under section 52(4A) above was calculated; less

(b) the amount by reference to which the preceding payment under section 52(1) or (4A) above was calculated.

(4) Where the authority make a payment under section 52(4A) above on account of the compensation, the difference between—

(a) the amount of the payment; and

(b) the amount by reference to which it was calculated less the amount by reference to which the preceding payment under section 52(1) or (4A) above was calculated,

is an unpaid balance for the purposes of this section.

(5) If, on an anniversary of the date on which the authority made a payment to any person under section 52(1) above on account of the compensation—

(a) the amount of accrued interest on the unpaid balance under subsection (2) above or, as the case may be,

(b) the aggregate amount of the accrued interest on any unpaid balances,

exceeds £1,000, the authority shall make a payment to the claimant of the amount or aggregate amount.

(6) The acquiring authority shall, on paying the outstanding compensation, pay the amount of the accrued interest on the unpaid balance under subsection (2) above or, as the case may be, the aggregate amount of the accrued interest on any unpaid balances.

(7) For the purposes of subsections (5) and (6) above, interest accrues on any unpaid balance for the period beginning with—

(a) the making of the payment under section 52(1) or, as the case may be, 52(4A) above; or

(b) if any payment has already been made in respect of that balance under subsection (5) above, the date of the preceding payment under that subsection.

(8) For the purposes of this section—

(a) interest accrues at the rate prescribed under section 32 of the [M35]Land Compensation Act 1961 or, in the case of a bond under section 85 of the [M36]Lands Clauses Consolidation Act 1845, at the rate specified in section 85; and

(b) the amount by reference to which a payment under section 52(1) or (4A) was calculated is the amount referred to in section 52(3)(a) or (b) for the purposes of that calculation.

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(9) Where any payment has been made under section 52(1) above on account of any compensation, the acquiring authority is not required to pay interest under section 11(1) of the [M37]Compulsory Purchase Act 1965 or any bond under Schedule 3 to that Act or under section 85 of the Lands Clauses Consolidation Act 1845.

(10) Where the amount, or aggregate amount, of any payment under section 52 above made on the basis of the acquiring authority's estimate of the compensation is greater than the compensation as finally determined or agreed and, accordingly, the interest paid under this section is excessive, the excess shall be repaid.

(11) If after any interest has been paid to any person under this section on any amount it is discovered that he was not entitled to the amount, the interest shall be recoverable by the acquiring authority.

(12) The Secretary of State may from time to time by order substitute another sum for the sum specified in subsection (5) above; and the power to make orders under this subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Modifications etc. (not altering text)
C7 S. 63 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 1**

Commencement Information
I48 S. 63 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M32 1973 c. 26.
M33 1965 c. 56.
M34 1845 c. 18.
M35 1961 c. 33.
M36 1845 c. 18.
M37 1965 c. 56.

64 Planning assumptions in connection with highway schemes.

At the end of section 14 of the [M38]Land Compensation Act 1961 (assumptions as to planning permission) there is added—

"(5) If, in a case where—

(a) the relevant land is to be acquired for use for or in connection with the construction of a highway, or

(b) the use of the relevant land for or in connection with the construction of a highway is being considered by a highway authority,

a determination mentioned in subsection (7) of this section falls to be made, that determination shall be made on the following assumption.

(6) The assumption is that, if the relevant land were not so used, no highway would be constructed to meet the same or substantially the same need as the highway

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referred to in paragraph (a) or (b) of subsection (5) of this section would have been constructed to meet.

(7) The determinations referred to in subsection (5) of this section are—

(a) a determination, for the purpose of assessing compensation in respect of any compulsory acquisition, whether planning permission might reasonably have been expected to be granted for any development if no part of the relevant land were proposed to be acquired by any authority possessing compulsory purchase powers, and

(b) a determination under section 17 of this Act as to the development for which, in the opinion of the local planning authority, planning permission would or would not have been granted if no part of the relevant land were proposed to be acquired by any authority possessing compulsory purchase powers.

(8) The references in subsections (5) and (6) of this section to the construction of a highway include its alteration or improvement."

Modifications etc. (not altering text)
C8 S. 64 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para.2**

Commencement Information
I49 S. 64 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M38 1961 c. 33.

65 Certification of appropriate alternative development.

(1) For section 17(1) of the [M39]Land Compensation Act 1961 (certificate of appropriate alternative development may be issued only if land is not in an area defined in development plan as an area of comprehensive development or shown in the plan as allocated for residential, commercial or industrial use) there is substituted—

"(1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, either of the parties directly concerned may, subject to subsection (2) of this section, apply to the local planning authority for a certificate under this section."

(2) In subsection (4) of that section (certificate stating that permission for development would or would not be granted) for paragraphs (a) and (b) there is substituted—

"(a) that planning permission would have been granted for development of one or more classes specified in the certificate (whether specified in the application or not) and for any development for which the land is to be acquired, but would not have been granted for any other development; or

(b) that planning permission would have been granted for any development for which the land is to be acquired, but would not have been granted for any other development,

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and for the purposes of this subsection development is development for which the land is to be acquired if the land is to be acquired for purposes which involve the carrying out of proposals of the acquiring authority for that development. ”

(3) After subsection (9) of that section there is inserted—

“(9A) In assessing the compensation payable to any person in respect of any compulsory acquisition, there shall be taken into account any expenses reasonably incurred by him in connection with the issue of a certificate under this section (including expenses incurred in connection with an appeal under section 18 of this Act where any of the issues on the appeal are determined in his favour).”

Modifications etc. (not altering text)
C9 S. 65 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.II para. 3**

Commencement Information
I50 S. 65 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M39 1961 c. 33.

66 Compensation where permission for additional development granted after acquisition.

(1) Schedule 14 to this Act (which revives Part IV of the Land Compensation Act 1961) shall have effect.

(2) This section applies to an acquisition or sale of an interest in land if the date of completion (within the meaning of that Part) falls on or after the day on which this section comes into force.

Commencement Information
I51 S. 66 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

67 Time limit on validity of notice to treat.

In section 5 of the [M40]Compulsory Purchase Act 1965 (notice to treat) after subsection (2) there is inserted—

“(2A) A notice to treat shall cease to have effect at the end of the period of three years beginning with the date on which it is served unless—

(a) the compensation has been agreed or awarded or has been paid or paid into court,

(b) a general vesting declaration has been executed under section 4 of the [M41]Compulsory Purchase (Vesting Declarations) Act 1981,

(c) the acquiring authority have entered on and taken possession of the land specified in the notice, or

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(d) the question of compensation has been referred to the Lands Tribunal.

(2B) If the person interested in the land, or having power to sell and convey or release it, and the acquiring authority agree to extend the period referred to in subsection (2A) of this section, the notice to treat shall cease to have effect at the end of the period as extended unless—

(a) any of the events referred to in that subsection have then taken place, or

(b) the parties have agreed to a further extension of the period (in which case this subsection shall apply again at the end of the period as further extended, and so on).

(2C) Where a notice to treat ceases to have effect by virtue of subsection (2A) or (2B) of this section, the acquiring authority—

(a) shall immediately give notice of that fact to the person on whom the notice was served and any other person who, since it was served, could have made an agreement under subsection (2B) of this section, and

(b) shall be liable to pay compensation to any person entitled to such a notice for any loss or expenses occasioned to him by the giving of the notice and its ceasing to have effect.

(2D) The amount of any compensation payable under subsection (2C) shall, in default of agreement, be determined by the Lands Tribunal.

(2E) Compensation payable to any person under subsection (2C) shall carry interest at the rate prescribed under section 32 of the [M42]Land Compensation Act 1961 from the date on which he was entitled to to be given notice under that subsection until payment."

Modifications etc. (not altering text)
C10 S. 67 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 3**.

Commencement Information
I52 S. 67 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M40 1965 c. 56.
M41 1981 c. 66.
M42 1961 c. 33.

Home loss payments

68 Home loss payments.

(1) For section 29(2) of the [M43]Land Compensation Act 1973 (home loss payment where person displaced from dwelling: period and nature of occupation) there is substituted—

"(2) A person shall not be entitled to a home loss payment unless the following conditions have been satisfied throughout the period of one year ending with the date of displacement—

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(a) he has been in occupation of the dwelling, or a substantial part of it, as his only or main residence; and

(b) he has been in such occupation by virtue of an interest or right to which this section applies,

but, if those conditions are satisfied on the date of displacement, a payment (referred to in this section and sections 32 and 33 below as a "discretionary payment") may be made to him of an amount not exceeding the amount to which he would have been entitled if he had satisfied those conditions throughout that period."

(2) Subsection (5) of that section (no payments where acquisition is in pursuance of blight notice) is omitted.

(3) For section 30 of that Act (amount of home loss payment in England and Wales) there is substituted—

"**30 Amount of home loss payment in England and Wales.**

(1) In the case of a person who on the date of displacement is occupying, or is treated for the purposes of section 29 above as occupying, the dwelling by virtue of an interest in it which is an owner's interest, the amount of the home loss payment shall be 10 per cent. of the market value of his interest in the dwelling or, as the case may be, the interest in the dwelling vested in trustees, subject to a maximum of £15,000 and a minimum of £1,500.

(2) In any other case, the amount of the home loss payment shall be £1,500.

(3) For the purposes of this section and section 32 below the market value of an interest in a dwelling—

(a) in a case where the interest is compulsorily acquired, is the amount assessed for the purposes of the acquisition as the value of the interest; and

(b) in any other case, is the amount which, if the interest were being compulsorily acquired in pursuance of a notice to treat served on the date of displacement, would be assessed for the purposes of the acquisition as the value of the interest,

and any dispute as to the amount referred to in paragraph (b) above shall be determined by the Lands Tribunal.

(4) In determining for the purposes of this section and section 32 below the market value of an interest in a dwelling, the dwelling shall be taken to include any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with that dwelling.

(5) The Secretary of State may from time to time by regulations prescribe a different maximum or minimum for the purposes of subsection (1) above and a different amount for the purposes of subsection (2) above.

(6) The power to make regulations under subsection (5) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section "owner's interest" means the interest of a person who is an owner as defined in section 7 of the [M44]Acquisition of Land Act 1981."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(4) For section 32(1) to (3) of that Act (supplementary provisions about home loss payments) there is substituted—

"(1) No home loss payment or discretionary payment shall be made except on a claim in writing made by the claimant giving such particulars as the authority responsible for making the payment may reasonably require for the purpose of determining whether the payment should be made and, if so, its amount.

(2) Where a person is entitled to a home loss payment, the payment shall be made on or before the latest of the following dates—

(a) the date of displacement;

(b) the last day of the period of three months beginning with the making of the claim; and

(c) where the amount of the payment is to be determined in accordance with section 30(1) above, the day on which the market value of the interest in question is agreed or finally determined.

(2A) Where the amount of the payment is to be determined in accordance with section 30(1) above—

(a) the acquiring authority may at any time make a payment in advance; and

(b) if, on the later of the dates referred to in subsection (2)(a) and (b) above, the market value of the interest in question has not been agreed or finally determined, the acquiring authority shall make a payment in advance (where they have not already done so).

(2B) The amount of the payment in advance shall be the lesser of—

(a) the maximum amount for the purposes of section 30(1) above,

(b) 10 per cent. of the amount agreed to be the market value of the interest in question or, if there is no such agreement, 10 per cent. of the acquiring authority's estimate of that amount.

(2C) Where the amount of a payment in advance differs from the amount of the home loss payment, the shortfall or excess shall be paid by or, as the case may be, repaid to the acquiring authority when the market value of the interest in question is agreed or finally determined.

(3) Where the claimant has satisfied, throughout any period, the conditions mentioned in section 29(2) above, that period shall be treated for the purposes of that subsection as including any immediately preceding period throughout which—

(a) he has resided in the dwelling as his only or main residence but without satisfying those conditions, and

(b) another person or other persons have satisfied those conditions,

and references in this subsection and subsection (3A) below to a dwelling include a reference to a substantial part of it.

(3A) Where the claimant has satisfied, throughout any period, the conditions mentioned in section 29(2) above, that period (or that period as extended under subsection (3) above) shall be treated for the purposes of section 29(2) above as including any immediately preceding period, or successive periods, throughout which he satisfied the conditions mentioned in section 29(2) above in relation to another dwelling or, as the case may be, other dwellings

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(applying subsection (3) above to determine the length of any period or periods).”

(5) In section 32(4) of that Act for “five years” there is substituted “ one year ”.

(6) In section 32(5) of that Act, for “(3) and (4)” there is substituted “ (3) to (4) ”.

(7) In section 32(7) and (7B) of that Act, after “home loss payment” (in both places) there is inserted “ or discretionary payment ” and after “required” (in both places) there is inserted “ or authorised ”.

(8) In section 33 of that Act (caravan dwellers)—

(a) in subsection (2) after “home loss payment” there is inserted “ or discretionary payment ”,

(b) in subsection (3), for the words following “substituted” (in the second place) there is substituted—

“(a) he has been in occupation of the caravan site by using a caravan stationed on it as his only or main residence; and

(b) he has been in such occupation of the site by virtue of an interest or right to which this section applies.”

(c) for subsection (4) there is substituted—

“(4) Section 30 above shall have effect as if the references to a person occupying a dwelling by virtue of an interest in it and to his interest in the dwelling were to a person occupying a caravan site by virtue of an interest in it and to that interest.”,

(d) in subsection (5), for paragraph (a) there is substituted—

“(a) as if in subsections (3) and (3A) the references to a dwelling were to a caravan site;”,and in paragraph (c) for “(3) and (4)” there is substituted “ (3) to (4) ”.

(9) This section shall have effect in relation to displacements occurring on or after 16th November 1990 but, in the case of claims made before the date on which this section comes into force, no amount is required or authorised to be paid by virtue only of this section before the expiry of the period of one month beginning with the date on which this section comes into force.

Commencement Information

I53 S. 68 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

Marginal Citations

M43 1973 c. 26.

M44 1981 c. 67.

69 Home loss payments: spouses having statutory rights of occupation.

After section 29 of the [M45]Land Compensation Act 1973 there is inserted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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"**29A Spouses having statutory rights of occupation.**

(1) This section applies where, by reason of the entitlement of one spouse ("A") to occupy a dwelling by virtue of an interest or right to which section 29 above applies, the other spouse ("B") acquires rights of occupation (within the meaning of the [M46]Matrimonial Homes Act 1983).

(2) So long as—

(a) those rights of occupation continue,

(b) B is in occupation of the dwelling and A is not, and

(c) B is not, apart from this section, treated as occupying the dwelling by virtue of an interest or right to which that section applies,

B shall be treated for the purposes of that section as occupying the dwelling by virtue of such an interest (but not an owner's interest within the meaning of section 30 below).

(3) References in this section to a dwelling include a reference to a substantial part of it."

Modifications etc. (not altering text)
C11 S. 69 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 4**

Commencement Information
I54 S. 69 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M45 1973 c. 26.
M46 1983 c. 19

General

70 Further amendments relating to land compensation.

Schedule 15 to this Act, of which—

(a) Part I contains miscellaneous amendments, and

(b) Part II contains minor and consequential amendments,

relating to land compensation, shall have effect.

Modifications etc. (not altering text)
C12 S. 70 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 4**, Pt. II para. 5.

Commencement Information
I55 S. 70 wholly in force: s. 70 in force for certain purposes at 25.9.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**; s. 70 wholly in force at 2.1.1992 so far as not already in force by S.I. 1991/2728, **art. 3**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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PART IV

LAND COMPENSATION - SCOTLAND

71 Home loss payments.

(1) For section 27(2) of the [M47]Land Compensation (Scotland) Act 1973 (home loss payment where person displaced from dwelling) there is substituted—

"(2) A person shall not be entitled to a home loss payment unless the following conditions have been satisfied throughout the period of one year ending with the date of displacement—

(a) he has been in occupation of the dwelling, or a substantial part of it, as his only or main residence; and

(b) he has been in such occupation by virtue of an interest or right to which this section applies,

but, if those conditions are satisfied on the date of displacement, a payment (referred to in this section and sections 29 and 30 below as a "discretionary payment") may be made to him of an amount not exceeding the amount to which he would have been entitled if he had satisfied those conditions throughout that period."

(2) Subsection (5) of that section (no payments where acquisition is in pursuance of blight notice) is omitted.

(3) For section 28 of that Act (amount of home loss payment) there is substituted—

"**28 Amount of home loss payment.**

(1) In the case of a person who on the date of displacement is occupying, or is treated for the purposes of section 27 above as occupying, the dwelling by virtue of an interest in it which is an owner's interest, the amount of the home loss payment shall be 10 per cent. of the market value of his interest in the dwelling or, as the case may be, the interest in the dwelling vested in trustees, subject to a maximum of £15,000 and a minimum of £1,500.

(2) In any other case, the amount of the home loss payment shall be £1,500.

(3) For the purposes of this section and section 29 below the market value of an interest in a dwelling—

(a) in a case where the interest is compulsorily acquired, is the amount assessed for the purposes of the acquisition as the value of the interest; and

(b) in any other case, is the amount which, if the interest were being compulsorily acquired in pursuance of a notice to treat served on the date of displacement, would be assessed for the purposes of the acquisition as the value of the interest,

and any dispute as to the amount referred to in paragraph (b) above shall be determined by the Lands Tribunal.

(4) In determining for the purposes of this section and section 29 below the market value of an interest in a dwelling, the dwelling shall be taken to include any

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garden, yard, outhouses and appurtenances belonging to or usually enjoyed with that dwelling.

(5) The Secretary of State may from time to time by regulations prescribe a different maximum or minimum for the purposes of subsection (1) above and a different amount for the purposes of subsection (2) above.

(6) The power to make regulations under subsection (5) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section "owner's interest" means the interest of a person who is an owner as defined in section 45(1) of the [M48]Land Compensation (Scotland) Act 1963."

(4) For section 29(1) to (3) of that Act (supplementary provisions about home loss payments) there is substituted—

"(1) No home loss payment or discretionary payment shall be made except on a claim in writing made by the person entitled thereto ("the claimant") giving such particulars as the authority responsible for making the payment may reasonably require for the purpose of determining whether the payment should be made and, if so, its amount.

(2) Where a person is entitled to a home loss payment, the payment shall be made on or before the latest of the following dates—

(a) the date of displacement;

(b) the last day of the period of three months beginning with the making of the claim; and

(c) where the amount of the payment is to be determined in accordance with section 28(1) above, the day on which the market value of the interest in question is agreed or finally determined.

(2A) Where the amount of the payment is to be determined in accordance with section 28(1) above—

(a) the acquiring authority may at any time make a payment in advance; and

(b) if, on the later of the dates referred to in subsection (2)(a) and (b) above, the market value of the interest in question has not been agreed or finally determined, the acquiring authority shall make a payment in advance (where they have not already done so).

(2B) The amount of the payment in advance shall be the lesser of—

(a) the maximum amount for the purposes of section 28(1) above,

(b) 10 per cent. of the amount agreed to be the market value of the interest in question or, if there is no such agreement, 10 per cent. of the acquiring authority's estimate of that amount.

(2C) Where the amount of a payment in advance differs from the amount of the home loss payment, the shortfall or excess shall be paid by or, as the case may be, repaid to the acquiring authority when the market value of the interest in question is agreed or finally determined.

(3) Where the claimant has satisfied, throughout any period, the conditions mentioned in section 27(2) above, that period shall be treated for the purposes

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of that subsection as including any immediately preceding period throughout which—

(a) he has resided in the dwelling as his only or main residence but without satisfying those conditions, and

(b) another person or other persons have satisfied those conditions,

and references in this subsection and subsection (3A) below to a dwelling include a reference to a substantial part of it.

(3A) Where the claimant has satisfied, throughout any period, the conditions mentioned in section 27(2) above, that period (or that period as extended under subsection (3) above) shall be treated for the purposes of section 27(2) above as including any immediately preceding period, or successive periods, throughout which he satisfied the conditions mentioned in section 27(2) above in relation to another dwelling or, as the case may be, other dwellings (applying subsection (3) above to determine the length of any period or periods).”

(5) In section 29(4) of that Act, for “five years” there is substituted “ one year ”.

(6) In section 29(5) of that Act, for “(3) and (4)” there is substituted “ (3) to (4) ”.

(7) In section 29(7) and (7AA), after “home loss payment” (in both places) there is inserted “ or discretionary payment ” and after “required” (in both places) there is inserted “ or authorised ”.

(8) In section 30 of that Act (caravan dwellers)—

(a) in subsection (2) after “home loss payment” there is inserted “ or discretionary payment ”,

(b) in subsection (3), for the words following “substituted” (in the second place) there is substituted—

“(a) he has been in occupation of the caravan site by using a caravan stationed on it as his only or main residence; and

(b) he has been in such occupation of the site by virtue of an interest or right to which this section applies”,

(c) for subsection (4) there is substituted—

“(4) Section 28 above shall have effect as if the references to a person occupying a dwelling by virtue of an interest in it and to his interest in the dwelling were to a person occupying a caravan site by virtue of an interest in it and to that interest.”,

(d) in subsection (5), for paragraph (a) there is substituted—

“(a) as if in subsections (3) and (3A) the references to a dwelling were to a caravan site;”,and in paragraph (c) for “(3) and (4)” there is substituted “ (3) to (4) ”.

(9) This section shall have effect in relation to displacements occurring on or after 16th November 1990 but, in the case of claims made before the date on which this section comes into force, no amount is required or authorised to be paid by virtue only of this section before the expiry of the period of one month beginning with the date on which this section comes into force.

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Commencement Information
I56 S. 71 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

Marginal Citations
M47 1973 c. 56.
M48 1963 c. 51.

72 Home loss payments: spouses having statutory occupancy rights.

After section 27 of the [M49]Land Compensation (Scotland) Act 1973 there is inserted—

"**27A Spouses having statutory occupancy rights.**

(1) This section applies where, by reason of the entitlement of one spouse ("A") to occupy a dwelling by virtue of an interest or right to which section 27 above applies, the other spouse ("B") acquires occupancy rights (within the meaning of the [M50]Matrimonial Homes (Family Protection) (Scotland) Act 1981).

(2) So long as—
(a) those occupancy rights continue;
(b) B is in occupation of the dwelling and A is not; and
(c) B is not, apart from this section, treated as occupying the dwelling by virtue of an interest or right to which that section applies,

B shall be treated for the purposes of that section as occupying the dwelling by virtue of such an interest (but not an owner's interest within the meaning of section 28 below).

(3) References in this section to a dwelling include a reference to a substantial part of it."

Modifications etc. (not altering text)
C13 S. 72 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 4**

Commencement Information
I57 S. 72 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations
M49 1973 c. 56.
M50 1981 c. 59.

73 Advance payments of compensation and interest.

(1) In section 48 of the [M51]Land Compensation (Scotland) Act 1973 (right to advance payment of compensation) for subsection (5) there is substituted—

"(4A) Where, at any time after an advance payment has been made on the basis of the acquiring authority's estimate of the compensation, it appears to the acquiring authority that their estimate was too low, they shall, if a request in that behalf is

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made in accordance with subsection (2) above, pay to the claimant the balance of the amount of the advance payment calculated as at that time.

(5) Where the amount, or aggregate amount, of any payment under this section made on the basis of the acquiring authority's estimate of the compensation exceeds the compensation as finally determined or agreed, the excess shall be repaid; and if after any payment under this section has been made to any person it is discovered that he was not entitled to it, the amount of the payment shall be recoverable by the acquiring authority".

(2) After that section there is inserted—

"**48A Right to interest where advance payment made.**

(1) This section applies where the compensation to be paid by the acquiring authority for the compulsory acquisition of any interest in land would (apart from this section) carry interest under paragraph 3(1) of the second Schedule to the [M52]Acquisition of Land (Authorisation Procedures) (Scotland) Act 1947 or any bond under section 84 (promoters to be allowed to enter on lands before purchase on giving bond etc.) of the [M53]Lands Clauses Consolidation (Scotland) Act 1845.

(2) If the authority make a payment under section 48(1) above to any person on account of the compensation—

(a) they shall at the same time make a payment to that person of accrued interest, for the period beginning with the date of entry, on the amount by reference to which the payment under section 48(1) above was calculated; and

(b) the difference between the amount of the payment under section 48(1) above and the amount by reference to which it was calculated is an unpaid balance for the purposes of this section.

(3) If the authority make a payment under section 48(4A) above to any person on account of the compensation, they shall at the same time make a payment to him of accrued interest, for the period beginning with the date of entry, on—

(a) the amount by reference to which the payment under section 48(4A) above was calculated; less

(b) the amount by reference to which the preceding payment under section 48(1) or (4A) above was calculated.

(4) Where the authority make a payment under section 48(4A) above on account of the compensation, the difference between—

(a) the amount of the payment; and

(b) the amount by reference to which it was calculated less the amount by reference to which the preceding payment under section 48(1) or (4A) above was calculated,

is an unpaid balance for the purposes of this section.

(5) If, on an anniversary of the date on which the authority made a payment to any person under section 48(1) above on account of the compensation—

(a) the amount of accrued interest on the unpaid balance under subsection (2) above or, as the case may be,

(b) the aggregate amount of the accrued interest on any unpaid balances,

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exceeds £1,000, the authority shall make a payment to the claimant of the amount or aggregate amount.

(6) The acquiring authority shall, on paying the compensation, pay the amount of the accrued interest on the unpaid balance under subsection (2) above or, as the case may be, the aggregate amount of the accrued interest on any unpaid balances.

(7) For the purposes of subsections (5) and (6) above, interest accrues on any unpaid balance for the period beginning with—

(a) the making of the payment under section 48(1) or, as the case may be, 48(4A) above; or

(b) if any payment has already been made in respect of that balance under subsection (5) above, the date of the preceding payment under that subsection.

(8) For the purposes of this section—

(a) interest accrues at the rate prescribed under section 40 of the [M54]Land Compensation (Scotland) Act 1963 or, in the case of a bond under section 84 of the [M55]Lands Clauses Consolidation (Scotland) Act 1845, at the rate specified in that section; and

(b) the amount by reference to which a payment under section 48(1) or (4A) was calculated is the amount referred to in section 48(3)(a) or (b) for the purposes of that calculation.

(9) Where any payment has been made under section 48(1) above on account of any compensation, the acquiring authority is not required to pay interest under paragraph 3(1) of the second Schedule to the [M56]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or any bond under section 84 (promoters to be allowed to enter on lands before purchase on giving bond etc.) of the [M57]Lands Clauses Consolidation (Scotland) Act 1845.

(10) Where the amount, or aggregate amount, of any payment under section 48 above made on the basis of the acquiring authority's estimate of the compensation is greater than the compensation as finally determined or agreed and, accordingly, the interest paid under this section is excessive, the excess shall be repaid.

(11) If after any interest has been paid to any person under this section on any amount it is discovered that he was not entitled to the amount, the interest shall be recoverable by the acquiring authority.

(12) The Secretary of State may by order increase the sum specified in subsection (5) above; and the power to make orders under this subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Modifications etc. (not altering text)
C14 S. 73 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 1**

Commencement Information
I58 S. 73 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Marginal Citations

M51 1973 c.56.
M52 1947 c. 42.
M53 1845 c. 19.
M54 1963 c. 51.
M55 1845 c. 19
M56 1947 c. 42.
M57 1845 c. 19.

74 Planning assumptions in connection with acquisition of land by roads authorities.

At the end of section 22 (assumptions as to planning permission) of the [M58]Land Compensation (Scotland) Act 1963 there is added—

"(5) If, in a case where—

(a) the relevant land is to be acquired for use for, or in connection with, providing, altering or improving a public road; or

(b) that use, or its use in that connection, is being considered by the roads authority,

a determination mentioned in subsection (7) of this section falls to be made, that determination shall be made on the following assumption.

(6) The assumption is that, if the relevant land were not so used, no public road would be provided, altered or improved to meet the same or substantially the same need as would have been met by the provision, alteration or improvement of the public road referred to in paragraph (a) or (b) of subsection (5) of this section.

(7) The determinations referred to in subsection (5) of this section are—

(a) a determination, for the purpose of assessing compensation in respect of any compulsory acquisition, whether planning permission might reasonably have been expected to be granted for any development if no part of the relevant land were proposed to be acquired by any authority possessing compulsory purchase powers, and

(b) a determination under section 25 of this Act as to the development for which, in the opinion of the planning authority, planning permission would or would not have been granted if no part of the relevant land were proposed to be acquired by any authority possessing compulsory purchase powers ."

Modifications etc. (not altering text)

C15 S. 74 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 2**

Commencement Information

I59 S. 74 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

Marginal Citations

M58 1963 c. 51.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

75 Certification of appropriate alternative development.

(1) For section 25(1) of the [M59]Land Compensation (Scotland) Act 1963 (certificate of appropriate alternative development may be issued only if land is not in an area defined in development plan as an area of comprehensive development or shown in the plan as allocated for residential, commercial or industrial use) there is substituted—

"(1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, either of the parties directly concerned may, subject to subsection (2) of this section, apply to the planning authority for a certificate under this section".

(2) In subsection (4) of that section (certificate stating that permission for development would or would not be granted) for paragraphs (a) and (b) there is substituted—

"(a) planning permission would have been granted for development of one or more classes specified in the certificate (whether specified in the application or not) and for any development for which the land is to be acquired, but would not have been granted for any other development; or

(b) planning permission would have been granted for any development for which the land is to be acquired, but would not have been granted for any other development,

and for the purposes of this subsection development is development for which the land is to be acquired if the land is to be acquired for purposes which involve the carrying out of proposals of the acquiring authority for that development. "

(3) After subsection (9) of that section there is inserted—

"(9A) In assessing the compensation payable to any person in respect of any compulsory acquisition, there shall be taken into account any expenses reasonably incurred by him in connection with the issue of a certificate under this section (including expenses incurred in connection with an appeal under section 26 of this Act where any of the issues on the appeal are determined in his favour)".

Modifications etc. (not altering text)
C16 S. 75 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 5**

Commencement Information
I60 S. 75 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

Marginal Citations
M59 1963 c. 51.

76 Powers to acquire land whose enjoyment will be affected by public works.

(1) After section 24(2) of the [M60]Land Compensation (Scotland) Act 1973 (acquisition of land in connection with public works) there is inserted—

"(2A) Where the responsible authority—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) propose to carry out works on land to which this subsection applies for the construction or alteration of any public works, and

(b) are, in relation to the land, the appropriate authority,

they may, subject to the provisions of this section, acquire by agreement land the enjoyment of which will in their opinion be seriously affected by the carrying out of the works or the use of the public works if the interest of the seller is an interest such as is mentioned in subsection (3) to (5) of section 181 (interests qualifying for protection under blight provisions) of the [M61]Town and Country Planning (Scotland) Act 1972.

(2B) Subsection (2A) above applies to any land such as is mentioned in subsection (1) of the said section 181.

(2C) In this section—

"appropriate authority" has the meaning given in section 194(1) of the said Act.".

(2) After section 106(2) of the [M62]Roads (Scotland) Act 1984 (acquisition of land for mitigating adverse effects of construction of road) there is inserted—

"(2A) Where the roads authority propose to carry out works on land to which this subsection applies for the construction or improvement of a road, they may acquire by agreement land the enjoyment of which will in their opinion be seriously affected by the carrying out of the works or the use of the road if the interest of the seller is an interest such as is mentioned in subsections (3) to (5) of section 181 (interests qualifying for protection under blight provisions) of the [M63]Town and Country Planning (Scotland) Act 1972.

(2B) Subsection (2A) above applies to any land such as is mentioned in subsection (1) of the said section 181."

Commencement Information

I61 S. 76 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

Marginal Citations

M60 1973 c. 56.
M61 1972 c. 52.
M62 1984 c. 54.
M63 1972 c. 52.

77 Compensation where permission for additional development granted after acquisition.

(1) Schedule 16 to this Act (which revives Part V of the [M64]Land Compensation (Scotland) Act 1963) shall have effect.

(2) This section applies to an acquisition or sale of an interest in land if the date of completion (within the meaning of that Part) falls on or after the day on which this section comes into force.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I62 S. 77 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

Marginal Citations

M64 1963 c. 51.

78 Time limit on validity of notice to treat.

(1) A notice to treat under section 17 of the [M65]Lands Clauses Consolidation (Scotland) Act 1845 shall, for the purposes of any compulsory purchase to which the provisions of the first Schedule to the [M66]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 apply, cease to have effect at the end of the period of three years beginning with the date on which it is served unless—

(a) the compensation has been agreed or awarded or has been paid or paid into a bank;

(b) a general vesting declaration has been executed under paragraph 1 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972;

(c) the acquiring authority have entered on and taken possession of the land specified in the notice; or

(d) the question of compensation has been referred to the Lands Tribunal for Scotland.

(2) If the person interested in the land, or having power to sell and convey it, and the acquiring authority agree to extend the period referred to in subsection (1) of this section, the notice to treat shall cease to have effect at the end of the period as extended unless—

(a) any of the events referred to in that subsection have then taken place; or

(b) the parties have agreed to a further extension of the period (in which case this subsection shall apply again at the end of the period as further extended, and so on).

(3) Where a notice to treat ceases to have effect by virtue of subsection (1) or (2) of this section, the acquiring authority—

(a) shall immediately give notice of that fact to the person on whom the notice was served and any other person who, since it was served, could have made an agreement under subsection (2) of this section, and

(b) shall be liable to pay compensation to any person entitled to such a notice for any loss or expenses occasioned to him by the giving of the notice and its ceasing to have effect.

(4) The amount of any compensation payable under subsection (3) of this section shall, in default of agreement, be determined by the Lands Tribunal for Scotland.

(5) Compensation payable to any person under subsection (3) of this section shall carry interest at the rate prescribed under section 40 (rate of interest after entry on land) of the [M67]Land Compensation (Scotland) Act 1963 from the date on which he was entitled to be given notice under that subsection until payment.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)
C17 S. 78 restricted (18.9.1991) by S.I. 1992/2092, art. 4, **Sch. 2 Pt. I para. 3**

Commencement Information
I63 S. 78 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

Marginal Citations
M65 1845 c. 19.
M66 1947 c. 42.
M67 1963 c. 51.

79 Further amendments relating to land compensation in Scotland.

Schedule 17 to this Act—

(a) Part I of which contains miscellaneous amendments; and

(b) Part II of which contains minor and consequential amendments,

relating to land compensation in Scotland shall have effect.

Modifications etc. (not altering text)
C18 S. 79 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 4**, Pt. II para. 6

Commencement Information
I64 S. 79 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

PART V

MISCELLANEOUS AND GENERAL

80 Interest on compensation and payments on account.

(1) Compensation payable under any provision mentioned in column 1 of an entry in Part I of Schedule 18 to this Act shall carry interest at the rate for the time being prescribed under section 32 of the [M68]Land Compensation Act 1961 or, in relation to Scotland, section 40 of the Land Compensation (Scotland) Act 1963 from the date shown against that provision in column 2 of the entry until payment.

(2) If it appears to any person that he may become liable to pay to another—

(a) compensation under any provision mentioned in Schedule 18 to this Act, or

(b) interest under subsection (1) above, under any provision mentioned in Part II of Schedule 18 to this Act or under any bond under section 85 of the [M69]Lands Clauses Consolidation Act 1845 or Schedule 3 to the [M70]Compulsory Purchase Act 1965,

he may, if the other person requests him in writing to do so, make one or more payments on account of such compensation or interest.

(3) If after a payment has been made by any person under subsection (2) above—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) it is agreed or determined that he is not liable to pay the compensation or interest, or

(b) by reason of any agreement or determination, any payment under that subsection is shown to have been excessive,

the payment or, as the case may be, excess shall be recoverable by that person.

(4) The Secretary of State may by order amend that Schedule by adding further entries or provisions to Part I or Part II.

(5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C19 S. 80(1) restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 5**, Pt. II para. 6
S. 80(1) restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 5**, Pt. II para. 7

Commencement Information

I65 S. 80 wholly in force; S. 80 in force (E.W.) for certain purposes at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**; s. 80 in force (S.) for certain purposes at 25.9.1991 by S.I. 1991/2092, **art. 3**; s. 80 in force (E.W.) at 2.1.1991 so far as not already in force by S.I. 1991/2728, **art. 3** and s. 80 in force insofar as not already in force (S.) at 30.8.1995 so far as not already in force by S.I. 1995/2045, **art. 3**

Marginal Citations

M68 1961 c. 33.
M69 1845 c. 18.
M70 1965 c. 56.

81 Abolition of new street byelaws.

(1) Part X of the [M71]Highways Act 1980 (new street byelaws) is repealed.

(2) Nothing in this section affects—

(a) any order made before the day on which this section comes into force under section 188 of that Act (new street orders) or under any enactment from which that section is derived; or

(b) any powers of a local authority exercisable under Part X of that Act in respect of such an order.

(3) The Secretary of State may by order made by statutory instrument repeal any local enactment so far as it makes provision having similar effect to any provision of Part X of that Act.

Commencement Information

I66 S. 81 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

Marginal Citations

M71 1980 c. 66.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 26/03/1992

82 Home loss payments: Northern Ireland.

An order in Council under paragraph 1(1)(b) of Schedule 1 to the [M72]Northern Ireland Act 1974 (exercise of legislative functions for Northern Ireland) which states that it is made only for purposes corresponding to the purposes of sections 68 and 69 of this Act—

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution procedure and procedure in cases of urgency), but

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I67 S. 82 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

Marginal Citations

M72 1974 c. 28.

83 Consequential amendment of section 91A of Income and Corporation Taxes Act 1988.

In section 91A of the [M73]Income and Corporation Taxes Act 1988 (waste disposal: restoration payments)—

(a) in subsection (4)(b) for "any term of a relevant agreement" there is substituted " any relevant obligation "; and

(b) for subsection (7) there is substituted—

"(7) For the purposes of this section a relevant obligation is—

(a) an obligation arising under an agreement made under—

(i) section 106 of the [M74]Town and Country Planning Act 1990, as originally enacted;

(ii) section 50 of the [M75]Town and Country Planning (Scotland) Act 1972;

(b) a planning obligation entered into under section 106 of the Act of 1990, as substituted by section 12 of the [M76]Planning and Compensation Act 1991, or under section 299A of the Act of 1990;

(c) an obligation arising under or under an agreement made under any provision—

(i) corresponding to section 106 of the [M77]Town and Country Planning Act 1990, as originally enacted or as substituted by the Act of 1991 or to section 299A of the Act of 1990; and

(ii) for the time being in force in Northern Ireland."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Marginal Citations

M73 1988 c. 1.
M74 1990 c. 8.
M75 1972 c. 52.
M76 1991 c. 34.
M77 1990 c. 8.

84 Short title, commencement, etc.

(1) This Act may be cited as the Planning and Compensation Act 1991.

(2) Subject to subsection (4) below, this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.

(3) An order under subsection (2) above may contain such supplementary, incidental, consequential and transitional provisions as the Secretary of State thinks fit.

(4) Sections 31(2), (3), (7) and (8) and 60(2), (3) and (5), paragraphs 1, 5 and 13 of Schedule 6 and the related repeals shall come into force on the day on which this Act is passed.

(5) Nothing in any provision of this Act affects the punishment for an offence committed before the provision comes into force.

(6) The enactments mentioned in Schedule 19 to this Act are repealed to the extent specified in the third column.

(7) Parts I and III of this Act and section 81 extend to England and Wales only.

(8) Parts II and IV of this Act extend to Scotland only.

(9) This Act, apart from sections 82 and 83, does not extend to Northern Ireland.

Subordinate Legislation Made

P1 S. 84(2)(3): s. 84(2) (with s. 84(3)) power exercised (9.9.1991) by S.I. 1991/2067.
S. 84(2)(3); s. 84(2) (with s. 84(3)) power exercised (18.9.1991) by S.I. 1991/2092.
S. 84(2)(3); s. 84(2) (with s. 84(3)) power exercised (9.10.1991) by S.I. 1991/2272
S. 84(2)(3); s. 84(2) (with s. 84(3)) power exercised (21.11.1991) by S.I. 1991/2728
S. 84(2)(3) power exercised (10.12.1991) by S.I. 1991/2905; power exercised (15.2.1993) by S.I. 1993/275, **arts. 2**,3
S. 84(2); power exercised (7.3.1994) by S.I.1994/398; s. 84(2)(3)power exercised (3.2.1995) by S.I.1994/3292; (30.8.1995) by S.I.1995/2045

Modifications etc. (not altering text)

C20 S. 84(6) restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 6**, Pt. II para. 7
S. 84(6) restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 6**, Pt. II para. 8

Commencement Information

I68 S. 84 partly in force; s. 84(6) in force at Royal Assent in so far as it relates to specified repeals in Sch. 19 see s. 84(2)(4); s. 84(6) in force in so far as it relates to further specified repeals in Sch. 19 as follows: at 25.9.1991 by S.I. 1991/2067, **art. 3** and by S.I. 1991/2092, **art. 3**; at 2.1.1992 by S.I.

1991/2905, **arts. 3**, 5; at 26.3.1992 by S.I. 1992/334, **arts. 4**, 5; at 6.4.1992 by S.I. 1992/665, **art. 2**; at 17.7.1992 by S.I. 1992/1491, art. 2, **Sch. 1**; at 27.7.1992 by S.I. 1992/1630, art. 2, **Sch. 2**; at 25.9.1992 by S.I. 1992/1937, **arts. 4**, 5; at 9.11.1992 by S.I. 1992/2831, **art. 2**, at 3.2.1995 by S.I. 1994/3292, **art. 3** and (S.) at 30.8.1995 by S.I. 1995/2045, **art. 3**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULES

SCHEDULE 1

Section 21.

MINES AND WASTE

1 The principal Act is amended as follows.

Commencement Information
I69 Sch. 1 para. 1 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

2 In section 72(5) (conditional grant of planning permission) after "the winning and working of minerals" there is inserted " or involving the depositing of refuse or waste materials ".

Commencement Information
I70 Sch. 1 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

3 In section 91(4) (circumstances in which general condition limiting duration of planning permission does not apply) for paragraph (d) there is substituted—

"(d) to any planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste which is granted (or deemed to be granted) subject to a condition that the development to which it relates must be begun before the expiration of a specified period after—

(i) the completion of other development consisting of the winning and working of minerals already being carried out by the applicant for the planning permission; or

(ii) the cessation of depositing of mineral waste already being carried out by the applicant for the planning permission;".

Commencement Information
I71 Sch. 1 para. 3 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

4 In section 97 (power to revoke or modify planning permission) in subsection (5) the words from "and Part II of Schedule 5" to the end are omitted and after that subsection there is inserted—

"(6) Part II of Schedule 5 shall have effect for the purpose of making special provision with respect to the conditions that may be imposed by an order under this section which revokes or modifies permission for development—

(a) consisting of the winning and working of minerals; or

(b) involving the depositing of refuse or waste materials."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I72 Sch. 1 para. 4 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

5 In section 100 (revocation and modification of planning permission by the Secretary of State) for subsection (8) there is substituted—

"(8) Subsections (5) and (6) of section 97 apply for the purposes of this section as they apply for the purposes of that."

Commencement Information

I73 Sch. 1 para. 5 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

6 In section 102(8) (discontinuance orders, etc.) for "consisting in the winning and working of minerals" there is substituted " consisting of the winning and working of minerals or involving the depositing of refuse or waste materials ".

Commencement Information

I74 Sch. 1 para. 6 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

7 For section 105 (duty of mineral planning authorities to review mineral workings) there is substituted—

"**105 Reviews by mineral planning authorities.**

(1) Every mineral planning authority shall undertake periodic reviews about the winning and working of minerals and the depositing of mineral waste in their area.

(2) Subject to regulations made by virtue of subsection (4), the duty under this section is, at such intervals as they think fit—

(a) to review every mining site in their area; and

(b) to consider whether they should make an order under section 97 or under paragraph 1, 3, 5 or 6 of Schedule 9, and if they do consider that they should make any such order, to make it.

(3) For the purposes of subsection (2) "a mining site" means a site which—

(a) is being used for the winning and working of minerals or the depositing of mineral waste;

(b) has been so used at any time during—

(i) the period of five years preceding the date of the beginning of the review; or

(ii) such other period preceding that date as may be prescribed; or

(c) is authorised to be so used.

(4) If regulations so require, the reviews shall be undertaken at prescribed intervals and shall cover such matters as may be prescribed."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I75 Sch. 1 para. 7 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

8 In section 107 (compensation where planning permission revoked or modified) in subsection (5) for "1(2)" there is substituted " 1(3) ".

Commencement Information
I76 Sch. 1 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

9 For section 116 (special basis for compensation in respect of certain orders affecting mineral working) there is substituted—

"**116 Modification of compensation provisions in respect of mineral working etc.**

(1) Regulations made by virtue of this section with the consent of the Treasury may provide that where an order is made under—

(a) section 97 modifying planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste; or

(b) paragraph 1, 3, 5 or 6 of Schedule 9 with respect to such winning and working or depositing,

sections 107, 115, 117, 279 and 280 shall have effect subject, in such cases as may be prescribed, to such modifications as may be prescribed.

(2) Any such regulations may make provision—

(a) as to circumstances in which compensation is not to be payable;

(b) for the modification of the basis on which any amount to be paid by way of compensation is to be assessed;

(c) for the assessment of any such amount on a basis different from that on which it would otherwise have been assessed,

and may also make different provision for different cases and incidental or supplementary provision.

(3) No such regulations shall be made unless a draft of the instrument is laid before and approved by a resolution of each House of Parliament.

(4) Before making any such regulations the Secretary of State shall consult such persons as appear to him to be representative—

(a) of persons carrying out mining operations;

(b) of owners of interests in land containing minerals; and

(c) of mineral planning authorities."

Commencement Information
I77 Sch. 1 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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10 In section 117(2) (general provisions as to compensation for depreciation under Part IV) for "under paragraph 1 of Schedule 11" there is substituted " by virtue of section 116 ".

Commencement Information
I78 Sch. 1 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

11 In sections 189(1)(b) (penalties for contravention of orders under s.102 and Schedule 9) and 315(1) (power to modify Act in relation to minerals) after "minerals" there is inserted " or involving the depositing of mineral waste ".

Commencement Information
I79 Sch. 1 para. 11 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

12 In section 336(1) (interpretation)—

(a) after the definition of "conservation area" there is inserted—

> ""depositing of mineral waste" means any process whereby a mineral-working deposit is created or enlarged and "depositing of refuse or waste materials" includes the depositing of mineral waste;"

(b) the definitions of "development consisting of the winning and working of minerals" and "mineral compensation modifications" are omitted;

(c) in the definition of "minerals" for "minerals and substances in or under land" there is substituted " substances ";

(d) the definitions of "relevant order", "restriction on the winning and working of minerals" and "special consultations" are omitted; and

(e) at the end there is inserted—

> ""the winning and working of minerals" includes the extraction of minerals from a mineral working deposit."

Commencement Information
I80 Sch. 1 para. 12 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

13 In Schedule 1 (local planning authorities: distribution of functions), in paragraph 1—

(a) in sub-paragraph (1)(d) for "disposal" there is substituted " depositing "; and

(b) sub-paragraph (2) is omitted.

Commencement Information
I81 Sch. 1 para. 13 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

14 (1) In Schedule 5, in paragraph 1(1) for "consisting of the winning and working of minerals" there is substituted "—

(a) consisting of the winning and working of minerals; or

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) involving the depositing of mineral waste,".

(2) In sub-paragraphs (2), (3) and (5) of that paragraph for "development", in each place where it occurs, there is substituted " winning and working of minerals or the depositing of mineral waste ".

(3) In sub-paragraph (6) of that paragraph "consisting of the winning and working of minerals" is omitted.

(4) In paragraph 2(1) of that Schedule—

(a) in paragraph (a) after "minerals" there is inserted " or involving the depositing of refuse or waste materials "; and

(b) in paragraph (b) for "operations for the winning and working of minerals have been completed" there is substituted " the winning and working is completed or the depositing has ceased ".

(5) In paragraph 6 of that Schedule for the words from "carried out" to "under the land" there is substituted " won and worked minerals or deposited refuse or waste materials ".

(6) In paragraph 7 of that Schedule after "minerals" there is inserted " or involving the depositing of refuse or waste materials ".

(7) At the end of that Schedule there is inserted—

" Interpretation

9 In this Schedule any reference to a mineral planning authority shall be construed, in relation to the exercise of functions with respect to the depositing of refuse or waste materials (other than mineral waste), as a reference to the authority entitled to discharge such functions."

Commencement Information

I82 Sch. 1 para. 15 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

15 (1) In Schedule 9, in paragraph 1(1) for paragraph (a) there is substituted—

"(a) that any use of land for—

(i) development consisting of the winning and working of minerals; or

(ii) the depositing of refuse or waste materials,

should be discontinued or that any conditions should be imposed on the continuance of the winning and working or the depositing;".

(2) For paragraph (c) of that sub-paragraph there is substituted—

"(c) that any plant or machinery used for the winning and working or the depositing should be altered or removed,".

(3) For sub-paragraphs (2) and (3) of that paragraph there is substituted—

"(2) An order under this paragraph may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be—

(a) required by paragraph 1 of Schedule 5; or

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(b) specified in the order.

(3) Subsections (3) to (5) and (7) of section 102 and section 103 apply to orders under this paragraph as they apply to orders under section 102, but as if—

(a) references to the local planning authority were references to the mineral planning authority; and

(b) the reference in section 103(2)(a) to subsection (2) of section 102 were a reference to sub-paragraph (2).”

(4) In paragraph 2 of that Schedule for sub-paragraph (1) there is substituted—

“(1) An order under paragraph 1 may impose a restoration condition”.

(5) In sub-paragraph (4)(b) of that paragraph for the words from “before” to “under it” there is substituted “ before the development began ”.

(6) For paragraph 3(1) to (3) of that Schedule there is substituted—

“(1) Where it appears to the mineral planning authority—

(a) that development of land—

(i) consisting of the winning and working of minerals; or

(ii) involving the depositing of mineral waste,

has occurred; but

(b) the winning and working or depositing has permanently ceased,

the mineral planning authority may by order—

(i) prohibit the resumption of the winning and working or the depositing; and

(ii) impose, in relation to the site, any such requirement as is specified in sub-paragraph (3).

(2) The mineral planning authority may assume that the winning and working or the depositing has permanently ceased only when—

(a) no winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least two years; and

(b) it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that resumption of the winning and working or the depositing to any substantial extent at the site is unlikely.

(3) The requirements mentioned in sub-paragraph (1) are—

(a) a requirement to alter or remove plant or machinery which was used for the purpose of the winning and working or the depositing or for any purpose ancillary to that purpose;

(b) a requirement to take such steps as may be specified in the order, within such period as may be so specified, for the purpose of removing or alleviating any injury to amenity which has been caused by the winning and working or depositing, other than injury due to subsidence caused by underground mining operations;

(c) a requirement that any condition subject to which planning permission for the development was granted or which has been imposed by virtue of any provision of this Act shall be complied with; and

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(d) a restoration condition."

(7) At the end of paragraph 4(8) of that Schedule there is inserted " or involving the depositing of mineral waste ".

(8) For paragraph 5(1) of that Schedule there is substituted—

"(1) Where it appears to the mineral planning authority—

(a) that development of land—

(i) consisting of the winning and working of minerals; or

(ii) involving the depositing of mineral waste,

has occurred; but

(b) the winning and working or depositing has been temporarily suspended,

the mineral planning authority may by order require that steps be taken for the protection of the environment."

(9) For sub-paragraphs (3) and (4) there is substituted—

"(3) The mineral planning authority may assume that the winning and working or the depositing has been temporarily suspended only when—

(a) no such winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least twelve months; but

(b) it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that a resumption of such winning and working or depositing to a substantial extent is likely.

(4) In this Act "steps for the protection of the environment" means steps for the purpose—

(a) of preserving the amenities of the area in which the land in, on or under which the development was carried out is situated during the period while the winning and working or the depositing is suspended;

(b) of protecting that area from damage during that period; or

(c) of preventing any deterioration in the condition of the land during that period."

(10) In paragraph 10(1) of that Schedule for "in, on or under the land" there is substituted " or involving the depositing of mineral waste at the site ".

(11) In sub-paragraph (3) of that paragraph for "development consisting of the winning and working of minerals" there is substituted " the development ".

(12) For sub-paragraph (4) of that paragraph there is substituted—

"(4) The mineral planning authority shall revoke the order if the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect."

(13) For sub-paragraph (8) there is substituted—

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"(8) If the Secretary of State is satisfied that the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect, he shall revoke the order."

(14) At the end of that Schedule there is inserted—

" Interpretation

12 In this Schedule any reference to a mineral planning authority shall be construed, in relation to the exercise of functions with respect to the depositing of refuse or waste materials (other than mineral waste), as a reference to the authority entitled to discharge such functions."

Commencement Information
I83 Sch. 1 para. 15 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

16 (1) Schedule 11 (compensation in respect of certain orders affecting mineral working) is omitted.

(2) Without prejudice to section 17(2)(b) of the [M78]Interpretation Act 1978, any regulations made or having effect as if made by virtue of Schedule 11 to the principal Act shall, to the extent that they are in force on the coming into force of this paragraph, have effect as if made under section 116 of the principal Act as substituted by paragraph 9 of this Schedule.

Commencement Information
I84 Sch. 1 para. 16 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M78 1978 c. 30.

SCHEDULE 2

Section 22.

REGISTRATION OF OLD MINING PERMISSIONS

Application for registration

1 (1) Any person who is an owner of any land to which an old mining permission relates, or is entitled to an interest in a mineral to which such a permission relates, may apply to the mineral planning authority for the permission to be registered.

(2) The application must specify the development which the applicant claims is authorised by the permission, including the land to which the permission relates, and the conditions (if any) to which the permission is subject.

(3) The application must be served on the mineral planning authority before the end of the period of six months beginning with the day on which this Schedule comes into force.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(4) On an application under this paragraph, the mineral planning authority must—

(a) if they are satisfied that (apart from section 22(3) of this Act) the permission authorises development consisting of the winning and working of minerals or involving the depositing of mineral waste, ascertain—

(i) the area of land to which the permission relates, and

(ii) the conditions (if any) to which the permission is subject,

and grant the application, and

(b) in any other case, refuse the application.

(5) Where—

(a) application has been made under this paragraph, but

(b) the mineral planning authority have not given the applicant notice of their determination within the period of three months beginning with the service of notice of the application (or within such extended period as may at any time be agreed upon in writing between the applicant and the authority),

the application is to be treated for the purposes of section 22 of this Act and this Schedule as having been refused by the authority.

Commencement Information

I85 Sch. 2 para. 1 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Determination of conditions

2 (1) The conditions to which an old mining permission is to be subject—

(a) may include any conditions which may be imposed on a grant of planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste,

(b) may be imposed in addition to, or in substitution for, any conditions ascertained under paragraph 1(4)(a) above, and

(c) must include a condition that the winning and working of minerals or depositing of mineral waste must cease not later than 21st February 2042.

(2) Where an application for the registration of an old mining permission has been granted, any person who is an owner of any land to which the permission relates, or is entitled to an interest in a mineral to which the permission relates, may apply to the mineral planning authority to determine the conditions to which the permission is to be subject.

(3) The application must set out proposed conditions.

(4) The application must be served on the mineral planning authority—

(a) after the date mentioned in sub-paragraph (5) below, and

(b) except where section 22(3) of this Act applies, before the end of the period of twelve months beginning with that date or such extended period as may at any time be agreed upon in writing between the applicant and the authority.

(5) The date referred to in sub-paragraph (4) above is—

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***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the date on which the application for registration is granted by the mineral planning authority, if no appeal is made to the Secretary of State under paragraph 5 below, and

(b) in any other case, the date on which the application for registration is finally determined.

(6) On an application under this paragraph—

(a) the mineral planning authority must determine the conditions to which the permission is to be subject, and

(b) if, within the period of three months beginning with the service of notice of the application (or within such extended period as may at any time be agreed upon in writing between the applicant and the authority) the authority have not given the applicant notice of their determination, the authority shall be treated for the purposes of section 22 of this Act and this Schedule as having determined that the permission is to be subject to the conditions set out in the application.

(7) The condition to which an old mining permission is to be subject by reason of sub-paragraph (1)(c) above is not to be regarded for the purposes of the planning Acts as a condition such as is mentioned in section 72(1)(b) of the principal Act (planning permission granted for a limited period).

(8) This paragraph does not apply to an old mining permission which has ceased to have effect since the application under paragraph 1 above was granted.

Modifications etc. (not altering text)

C21 Sch. 2 para. 2(6)(a): functions of local authority not to be responsibility of an executive of the authority (E.)(16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

Commencement Information

I86 Sch. 2 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Registration

3 (1) Where an application for the registration of an old mining permission is granted, the permission must be entered in the appropriate part of the register kept under section 69 of the principal Act and the entry must specify the area of land ascertained under paragraph 1(4)(a) above.

(2) Where an application to determine the conditions to which an old mining permission is to be subject is finally determined, the conditions must be entered in the appropriate part of that register.

(3) The matters required to be entered in the register under this paragraph must be entered as soon as reasonably practicable.

Commencement Information

I87 Sch. 2 para. 3 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

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General provisions about applications

4 (1) An application under paragraph 1 or 2 above is an application which is—

(a) made on an official form, and

(b) accompanied by an appropriate certificate.

(2) The applicant must, so far as reasonably practicable, give the information required by the form.

(3) Where the mineral planning authority receive an application under paragraph 1 or 2 above, they must as soon as reasonably practicable give to the applicant a written acknowledgement of the application.

(4) Where the mineral planning authority determine an application under either of those paragraphs, they must as soon as reasonably practicable give written notice of their determination to the applicant.

(5) An appropriate certificate is such a certificate—

(a) as would be required under the provisions mentioned in sub-paragraph (6) or, as the case may be, (7) below to accompany the application if it were an application for planning permission for development consisting of the winning and working of minerals or, as the case may be, involving the depositing of mineral waste, but

(b) with such modifications as are required for the purposes of this Schedule.

(6) For the purposes of paragraph 1 above, the provisions referred to in sub-paragraph (5) above are—

(a) sections 66 to 68 of the principal Act (notification of owners and agricultural tenants) and any provisions of a development order made by virtue of those sections, or

(b) where section 16(1) of this Act is in force, any provision, corresponding to the provisions referred to in paragraph (a) above, of section 65 of that Act (notice etc. of applications) and of a development order made by virtue of that section.

(7) For the purposes of paragraph 2 above, the provisions referred to in sub-paragraph (5) above are—

(a) sections 65 to 68 of the principal Act (publicity for applications) and any provision of a development order made by virtue of those sections, or

(b) where section 16(1) of this Act is in force, section 65 of that Act and any provision of a development order made by virtue of that section.

(8) Section 68(1) or, as the case may be, 65(5) of that Act (offences) shall also have effect in relation to any certificate purporting to be an appropriate certificate.

Commencement Information

I88 Sch. 2 para. 4 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Right of appeal

5 (1) Where the mineral planning authority—

(a) refuse an application under paragraph 1 above, or

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(b) in granting such an application, ascertain an area of land, or conditions, which differ from those specified in the application,

the applicant may appeal to the Secretary of State.

(2) Where on an application under paragraph 2 above, the mineral planning authority determine conditions that differ in any respect from the conditions set out in the application, the applicant may appeal to the Secretary of State.

(3) An appeal under this paragraph must be made by giving notice of appeal to the Secretary of State.

(4) In the case of an appeal under sub-paragraph (1) above, the notice must be given to the Secretary of State before the end of the period of three months beginning with the determination or, in the case of an application treated as refused by virtue of paragraph 1(5) above, beginning at the end of the period or extended period referred to in paragraph 1(5)(b).

(5) In the case of an appeal under sub-paragraph (2) above, the notice must be given to the Secretary of State before the end of the period of six months beginning with the determination.

(6) A notice of appeal under this paragraph is a notice which—

(a) is made on an official form, and

(b) is accompanied by an appropriate certificate.

(7) The appellant must, so far as reasonably practicable, give the information required by the form.

(8) Paragraph 4(5) to (8) above shall apply for the purposes of sub-paragraph (7) above as it applies for the purposes of paragraph 4(1) above.

Commencement Information

I89 Sch. 2 para. 5 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Determination of appeal

6 (1) On an appeal under paragraph 5 above the Secretary of State may—

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the mineral planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining such an appeal the Secretary of State must, if either the appellant or the mineral planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) If at any time before or during the determination of such an appeal it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—

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(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal, and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

(4) The decision of the Secretary of State on such an appeal shall be final.

Modifications etc. (not altering text)

C22 Sch. 2 para. 6 extended (E.W.) (1.11.1995) by 1995 c. 25, s. 96, **Sch. 13 para. 16(3)**(with ss. 7(6), 115, 117); S.I. 1995/2765, **art.2**
Sch. 2 para. 6 extended (E.W.) (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(3)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art.2**

Commencement Information

I90 Sch. 2 para. 6 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Reference of applications to Secretary of State

7 (1) The Secretary of State may give directions requiring applications under this Schedule to any mineral planning authority to be referred to him for determination instead of being dealt with by the authority.

(2) The direction may relate either to a particular application or to applications of a class specified in the direction.

(3) Where an application is referred to him under this paragraph—

(a) subject to paragraph (b) and sub-paragraph (4) below, the following provisions of this Schedule—

(i) paragraph 1(1) to (4),

(ii) paragraph 2(1) to (6)(a), (7) and (8),

(iii) paragraphs 3 and 4, and

(iv) paragraphs 8 to 10,

shall apply, with any necessary modifications, as they apply to applications which fall to be determined by the mineral planning authority,

(b) before determining the application the Secretary of State must, if either the applicant or the mineral planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and

(c) the decision of the Secretary of State on the application shall be final.

(4) Where an application under paragraph 1 above is so referred to him, paragraph 2(5) above shall apply as if for paragraphs (a) and (b) there were substituted "the date on which the application for registration is finally determined".

Commencement Information

I91 Sch. 2 para. 7 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Two or more applicants

8 (1) Where a person has served an application under paragraph 1 or 2 above in respect of an old mining permission—

(a) he may not serve any further application under the paragraph in question in respect of the same permission, and

(b) if the application has been determined, whether or not it has been finally determined, no other person may serve an application under the paragraph in question in respect of the same permission.

(2) Where—

(a) a person has served an application under paragraph 1 or 2 above in respect of an old mining permission, and

(b) another person duly serves an application under the paragraph in question in respect of the same permission,

then for the purpose of the determination of the applications and any appeal against such a determination, this Schedule shall have effect as if the applications were a single application served on the date on which the later application was served and references to the applicant shall be read as references to either or any of the applicants.

Commencement Information

I92 Sch. 2 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Application of provisions of principal Act

9 (1) Subject to paragraph 3 above, section 69 of the principal Act (registers of applications, etc.), and any provision of a development order made by virtue of that section, shall have effect with any necessary modifications as if references to applications for planning permission included applications under paragraph 1 or 2 above.

(2) Where the mineral planning authority is not the authority required to keep the register under that section, the mineral planning authority must provide the authority required to keep the register with such information and documents as that authority requires to comply with paragraph 3 above and with that section as applied by this paragraph.

(3) Sections 284 and 288 of the principal Act (validity of certain decisions and proceedings for questioning their validity) shall have effect as if the action mentioned in section 284(3) included any decision of the Secretary of State on an appeal under paragraph 5 above or on an application referred to him under paragraph 7 above.

Commencement Information

I93 Sch. 2 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Interpretation

10 (1) In this Schedule—

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"official form" means, in relation to an application or appeal, a document supplied by or on behalf of the Secretary of State for use for the purpose in question, and

"owner" in relation to any land means any person who—

(a) is the estate owner in respect of the fee simple, or

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

(2) For the purposes of section 22 of this Act and this Schedule, an application under paragraph 1 or 2 above is finally determined when the following conditions are met—

(a) the proceedings on the application, including any proceedings on or in consequence of an application under section 288 of the principal Act, have been determined, and

(b) any time for appealing under paragraph 5 above, or applying or further applying under that section, (where there is a right to do so) has expired.

Modifications etc. (not altering text)

C23 Sch. 2 para. 10(2) modified (E.W.)(1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 3(1)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art.2**

Commencement Information

I94 Sch. 2 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

SCHEDULE 3

Section 25.

LISTED BUILDINGS, CONSERVATION AREAS AND HAZARDOUS SUBSTANCES

PART I

CHANGES RELATING TO ENFORCEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

1 In section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (offences: penalties)—

(a) for subsection (4) there is substituted—

"(4) A person who is guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000, or both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both."; and

(b) in subsection (5) "on indictment" is omitted.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I95 Sch. 3 para. 1 in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

VALID FROM 02/01/1992

2 For section 38(5) and (6) of that Act (withdrawal of notices) there is substituted—

"(5) The local planning authority may—

(a) withdraw a listed building enforcement notice (without prejudice to their power to issue another); or

(b) waive or relax any requirement of such a notice and, in particular, may extend the period specified in accordance with section 38(3),

and the powers conferred by this subsection may be exercised whether or not the notice has taken effect.

(6) The local planning authority shall, immediately after exercising the powers conferred by subsection (5), give notice of the exercise to every person who has been served with a copy of the listed building enforcement notice or would, if the notice were re-issued, be served with a copy of it".

Commencement Information
I96 Sch. 3 para. 2 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

3 (1) Section 39 of that Act (appeals) is amended as follows.

(2) For subsection (1)(b) and (c) there is substituted—

"(b) that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;

(c) that those matters (if they occurred) do not constitute such a contravention".

(3) For subsection (2) there is substituted—

"(2) An appeal under this section shall be made either—

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the listed building enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date."

(4) In subsection (3) after "shall" there is inserted " subject to any order under section 65(3A) ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I97 Sch. 3 para. 3 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

4 For section 41(1) and (2) (power to correct or vary enforcement notice on appeal) there is substituted—

"(1) On an appeal under section 39 the Secretary of State may—

(a) correct any defect, error or misdescription in the listed building enforcement notice; or

(b) vary the terms of the listed building enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal."

Commencement Information
I98 Sch. 3 para. 4 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

5 For section 42(6) of that Act (power to execute works required by listed building enforcement notice) there is substituted—

"(6) Any person who wilfully obstructs a person acting in the exercise of powers under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale."

Commencement Information
I99 Sch. 3 para. 5 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

6 For section 43 of that Act (penalties for non-compliance) there is substituted—

"**43 Offence where listed building enforcement notice not complied with.**

(1) Where, at any time after the end of the period for compliance with the notice, any step required by a listed building enforcement notice to be

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

taken has not been taken, the person who is then owner of the land is in breach of the notice.

(2) If at any time the owner of the land is in breach of a listed building enforcement notice he shall be guilty of an offence.

(3) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.

(4) In proceedings against any person for an offence under this section, it shall be a defence for him to show—

(a) that he did everything he could be expected to do to secure that all the steps required by the notice were taken; or

(b) that he was not served with a copy of the listed building enforcement notice and was not aware of its existence.

(5) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000; and

(b) on conviction on indictment, to a fine.

(6) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence."

Commencement Information

I100 Sch. 3 para. 6 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 25/11/1991

7 After section 44 of that Act there is inserted—

"**44A Injunctions.**

(1) Where a local planning authority consider it necessary or expedient for any actual or apprehended contravention of section 9(1) or (2) to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Part.

(2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the contravention.

(3) Rules of court may, in particular, provide for such an injunction to be issued against a person whose identity is unknown.

(4) The references in subsection (1) to a local planning authority include, as respects England, the Commission.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In this section "the court" means the High Court or the county court."

Commencement Information

I101 Sch. 3 para. 7 wholly in force: Sch. 3 para. 7 in force for certain purposes at 25.11.1991, see s. 84(2)(3) and S.I. 1991/2728, **art. 2**; Sch. 3 para. 7 wholly in force at 2.1.1992 so far as not already in force by S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

8 (1) Section 65 of that Act (appeals to High Court) is amended as follows.

(2) After subsection (3) there is inserted—

"(3A) In proceedings brought by virtue of this section, the High Court or, as the case may be, the Court of Appeal may, on such terms, if any, as the Court thinks fit (which may include terms requiring the local planning authority to give an undertaking as to damages or any other matter), order that the listed building enforcement notice shall have effect, or have effect to such extent as may be specified in the order, pending the final determination of those proceedings and any re-hearing and determination by the Secretary of State."

(3) For subsection (5) there is substituted—

"(5) No proceedings in the High Court shall be brought by virtue of this section except with the leave of that Court and no appeal to the Court of Appeal shall be so brought except with the leave of the Court of Appeal or of the High Court."

Commencement Information

I102 Sch. 3 para. 8 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

9 (1) In section 88 of that Act (rights of entry)—

(a) in subsection (1) after "on it" there is inserted " or any other land ",

(b) in subsection (2)(a) after "surveying it" there is inserted " or any other land ",

(c) in subsection (2)(b) after "complied with" there is inserted " in relation to the land or any other land ",

(d) in subsection (2)(c) after "on the land" there is inserted " or any other land ",

(e) in subsection (2)(d) for "such building" there is substituted " building on the land or any other land ",

(f) in subsection (3)(a) after "section 59" there is inserted " in relation to the land or any other land ", and

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(g) in subsection (3)(b) and (c) after "the land" there is inserted " or any other land ".

(2) For subsection (7) of that section there is substituted—

"**88A Warrants to enter land.**

(1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 88; and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

the justice may issue a warrant authorising any person duly authorised in writing by the appropriate authority to enter the land.

(2) In subsection (1) "the appropriate authority" means the person who may authorise entry on the land under section 88 for the purpose in question.

(3) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(4) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

88B Rights of entry: supplementary provisions.

(1) A person authorised under section 88 to enter any land shall not demand admission as of right to any land which is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

(2) A person authorised to enter land in pursuance of a right of entry conferred under or by virtue of section 88 or 88A (referred to in this section as "a right of entry")—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(3) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Subsection (4) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(6) A person who is guilty of an offence under subsection (4) shall be liable—

(a) on summary conviction to a fine not exceeding the statutory maximum, or

(b) on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(7) If any damage is caused to land or chattels in the exercise of—

(a) a right of entry; or

(b) a power conferred by virtue of section 88(6) in connection with such a right,

compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State; and section 118 of the principal Act shall apply in relation to compensation under this subsection as it applies in relation to compensation under Part IV of that Act.

(8) No person shall carry out any works in exercise of a power conferred under section 88 unless notice of his intention to do so was included in the notice required by subsection (1).

(9) The authority of the appropriate Minister shall be required for the carrying out of works in exercise of a power conferred under section 88 if—

(a) the land in question is held by statutory undertakers; and

(b) they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.

(10) Section 265(1) and (3) of the principal Act (meaning of "appropriate Minister") applies for the purposes of subsection (9) as it applies for the purposes of section 325(9) of the principal Act."

Commencement Information

I103 Sch. 3 para. 9 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 25/11/1991

Planning (Hazardous Substances) Act 1990 (c. 10.)

VALID FROM 02/01/1992

10 In section 23(4) of the Planning (Hazardous Substances) Act 1990 (offences) —

(a) for "the statutory maximum" there is substituted " £20,000 ", and

(b) for the words following paragraph (b) there is substituted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(4A) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence".

Commencement Information
I104 Sch. 3 para. 10 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

11 In section 24 of that Act (hazardous substances contravention notices)—

(a) in subsection (1)(b) after "remedy" there is inserted " wholly or partly ", and

(b) in subsection (8) after "before" there is inserted " or after ", and

(c) at the end of subsection (9) there is inserted " or would, if the notice were re-issued, be served with a copy of it ".

Commencement Information
I105 Sch. 3 para. 11 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

12 After that section there is inserted—

"**24A Variation of hazardous substances contravention notices.**

(1) A hazardous substances authority may waive or relax any requirement of a hazardous substances contravention notice issued by them and, in particular, may extend any period specified in accordance with section 24(5)(b) in the notice.

(2) The powers conferred by subsection (1) may be exercised before or after the notice takes effect.

(3) The hazardous substances authority shall, immediately after exercising those powers, give notice of the exercise to every person who has been served with a copy of the hazardous substances contravention notice or would, if the notice were re-issued, be served with a copy of it."

Commencement Information
I106 Sch. 3 para. 12 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 02/01/1992

13 In section 25(2) of that Act (contravention notices: effect of appeal) after "shall" there is inserted " subject to regulations under this section ".

Commencement Information

I107 Sch. 3 para. 13 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

14 After section 26(2) of that Act (transitional exemptions) there is inserted—

"(2A) This section shall have effect until the end of the transitional period."

Commencement Information

I108 Sch. 3 para. 14 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

15 After section 26 of that Act there is inserted—

"**26AA Injunctions.**

(1) Where a hazardous substances authority consider it necessary or expedient for any actual or apprehended contravention of hazardous substances control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Act.

(2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the contravention.

(3) Rules of court may, in particular, provide for such an injunction to be issued against a person whose identity is unknown.

(4) In this section "the court" means the High Court or the county court."

Commencement Information

I109 Sch. 3 para. 15 wholly in force: Sch. 3 para. 15 in force for certain purposes at 25.11.1991, see s. 84(2)(3) and S.I. 1991/2728, **art. 2**; Sch. 3 para. 15 wholly in force at 2.1.1992 so far as not already in force by S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

16 (1) Section 36 of that Act (rights of entry) is amended as follows.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (4) after "contravention notice" there is inserted " or a notice under section 183 of the principal Act (as applied by regulations made by virtue of section 25) ".

(3) For subsection (6) there is substituted—

"**36A Warrants to enter land.**

(1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 36; and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

the justice may issue a warrant authorising any person duly authorised in writing by a hazardous substances authority to enter the land.

(2) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

36B Rights of entry: supplementary provisions.

(1) A person authorised to enter land in pursuance of a right of entry conferred under or by virtue of section 36 or 36A (referred to in this section as "a right of entry")—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(4) Subsection (3) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(5) A person who is guilty of an offence under subsection (3) shall be liable—

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) on summary conviction to a fine not exceeding the statutory maximum, or

(b) on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(6) If any damage is caused to land or chattels in the exercise of—

(a) a right of entry; or

(b) a power conferred by virtue of section 36(5) in connection with such a right,

compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State; and section 118 of the principal Act shall apply in relation to compensation under this section as it applies in relation to compensation under Part IV of that Act.

(7) The authority of the appropriate Minister shall be required for the carrying out of works in the exercise of a power under section 36 if—

(a) the land in question is held by statutory undertakers, and

(b) they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.

(8) Section 265(1) and (3) of the principal Act (meaning of "appropriate Minister") applies for the purposes of subsection (7) as it applies for the purposes of section 325(9) of the principal Act."

Commencement Information

I110 Sch. 3 para. 16 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 02/01/1992

PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government, Planning and Land Act 1980 (c. 65.)

17 In Part I of Schedule 29 to the Local Government, Planning and Land Act 1980, the following are inserted at the appropriate places among the provisions of the [M79]Planning (Listed Buildings and Conservation Areas) Act 1990 there listed: 44A, 88 and 88A.

Commencement Information

I111 Sch. 3 para. 17 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations
M79 1990 c. 9.

Housing Act 1988 (c. 50.)

18 In section 67(3A) of the Housing Act 1988 for "25 and 36" there is substituted " 26AA, 36 and 36A ".

Commencement Information
I112 Sch. 3 para. 18 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9.)

19 In section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990—

(a) in subsection (2) "within such period as may be so specified" is omitted,

(b) for subsection (3) there is substituted—

"(3) A listed building enforcement notice—

(a) shall specify the date on which it is to take effect and, subject to sections 39(3) and 65(3A), shall take effect on that date, and

(b) shall specify the period within which any steps are required to be taken and may specify different periods for different steps,

and, where different periods apply to different steps, references in this Part to the period for compliance with a listed building enforcement notice, in relation to any step, are to the period within which the step is required to be taken.", and

(c) in subsection (4) for "specified date" there is substituted " date specified in it as the date on which it is to take effect ".

Commencement Information
I113 Sch. 3 para. 19 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

20 In section 39(7) of that Act "in writing" is omitted.

Commencement Information
I114 Sch. 3 para. 20 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

21 In section 42 of that Act—

(a) in subsection (1) for "compliance period" there is substituted " period for compliance with the notice ", and

(b) subsection (7) is omitted.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I115 Sch. 3 para. 21 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

22 In section 46(4) of that Act for "sections 42 and 43" there is substituted " section 42 " and for "those sections" there is substituted " that section ".

Commencement Information
I116 Sch. 3 para. 22 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

23 Section 55(6) of that Act is omitted.

Commencement Information
I117 Sch. 3 para. 23 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

24 In section 82 of that Act—

(a) in subsection (1) for "39(6), 42(6) and 55(6)" there is substituted " and 39(6) ", and

(b) in subsection (3) for "sections 39(6) and 42(6)" there is substituted " section 39(6) ".

Commencement Information
I118 Sch. 3 para. 24 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

25 In section 88(6) of that Act for "subsection (7)" there is substituted " section 88B(8) " and "or the presence of minerals in it" is omitted.

Commencement Information
I119 Sch. 3 para. 25 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

26 In section 90(6)(b) of that Act "and 42(6)" is omitted.

Commencement Information
I120 Sch. 3 para. 26 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

27 In section 92(2)(b) of that Act "and 42(6)" is omitted.

Commencement Information
I121 Sch. 3 para. 27 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

28 In Schedule 3 to that Act, in paragraph 2(1)(b), after "section 41(1), (2)" there is inserted " (2A) ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I122 Sch. 3 para. 28 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

29 In Schedule 4 to that Act, in paragraph 5(b) for "and 88(2)(a) and (b)" there is substituted " 44A, 88(2)(a) and (b) and 88A ".

Commencement Information
I123 Sch. 3 para. 29 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

Planning (Hazardous Substances) Act 1990 (c. 10)

30 In section 25(1) of the Planning (Hazardous Substances) Act 1990—

(a) in paragraph (b)(v) for "175(1) to (4)" there is substituted " 175(1) to (3) ", and

(b) in paragraph (c) "(1) to (5) and (7)" is omitted.

Commencement Information
I124 Sch. 3 para. 30 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

31 In section 31(2) of that Act for "or 24" there is substituted " 24 or 26AA ".

Commencement Information
I125 Sch. 3 para. 31 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

32 In section 36(5) of that Act "Subject to subsection (6)" is omitted.

Commencement Information
I126 Sch. 3 para. 32 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5

VALID FROM 25/11/1991

SCHEDULE 4

Section 27.

DEVELOPMENT PLANS

. . . . . .

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 25/11/1991

SCHEDULE 5

Section 28.

SIMPLIFIED PLANNING ZONES

Commencement Information

I178 Sch. 5 wholly in force; Sch. 5 not in force at Royal Assent see s. 84(2); Sch. 5 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

PART I

MODIFICATION OF PROCEDURE FOR MAKING OR ALTERING SCHEMES

Procedure before and after deposit of proposals

1 In Schedule 7 to the principal Act (simplified planning zones) for paragraphs 5 to 7 there is substituted—

" Steps to be taken before depositing proposals

5 (1) A local planning authority proposing to make or alter a simplified planning zone scheme shall, before determining the content of their proposals, comply with this paragraph.

(2) They shall—

(a) consult the Secretary of State having responsibility for highways as to the effect any proposals they may make might have on existing or future highways,

(b) if they are the district planning authority, consult the county council—

(i) as county planning authority, and

(ii) as to the effect which any matters the district planning authority are considering including in the proposals might have on existing or future highways, and

(c) consult or notify such persons as regulations may require them to consult or, as the case may be, notify.

(3) They shall take such steps as may be prescribed or as the Secretary of State may, in a particular case, direct to publicise—

(a) the fact that they propose to make or alter a simplified planning zone scheme, and

(b) the matters which they are considering including in the proposals.

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) They shall consider any representations that are made in accordance with regulations.

Procedure after deposit of proposals

6 Where a local planning authority have prepared a proposed simplified planning zone scheme, or proposed alterations to a simplified planning zone scheme, they shall—

(a) make copies of the proposed scheme or alterations available for inspection at such places as may be prescribed,

(b) take such steps as may be prescribed for the purpose of advertising the fact that the proposed scheme or alterations are so available and the places at which, and times during which, they may be inspected,

(c) take such steps as may be prescribed for inviting objections to be made within such period as may be prescribed, and

(d) send a copy of the proposed scheme or alterations to the Secretary of State and to the Secretary of State having responsibility for highways and, if they are the district planning authority, to the county council."

Commencement Information

I179 Sch. 5 para. 1 wholly in force; Sch. 5 para. 1 not in force at Royal Assent see s. 84(2); Sch. 5 para. 1 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

Dealing with objections, etc.

2 (1) For paragraph 8(1) to (3) (objections: local inquiry or other hearing) there is substituted—

" Procedure for dealing with objections

8 (1) Where objections to the proposed scheme or alterations are made, the local planning authority may—

(a) for the purpose of considering the objections, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, appointed by the authority, or

(b) require the objections to be considered by a person appointed by the Secretary of State.

(2) A local planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State."

(2) For paragraph 11(3) and (4) (consideration of objections, etc., by Secretary of State) there is substituted—

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"(3) Where on taking the proposals into consideration the Secretary of State does not determine then to reject them he shall, before determining whether or not to approve them, consider any objections made in accordance with regulations (and not withdrawn) except objections which—

(a) have already been considered by the local planning authority or by a person appointed by the Secretary of State, or

(b) have already been considered at a local inquiry or other hearing.

(4) The Secretary of State may—

(a) for the purpose of considering any objections and the views of the local planning authority and of such other persons as he thinks fit, cause a local inquiry or other hearing to be held by a person appointed by him, or

(b) require such objections and views to be considered by a person appointed by him.

(5) In considering the proposals the Secretary of State may consult with, or consider the views of, any local planning authority or any other person; but he need not do so, or give an opportunity for the making or consideration of representations or objections, except so far as he is required to do so by sub-paragraph (3)."

Commencement Information

I180 Sch. 5 para. 2 wholly in force; Sch. 5 para. 2 not in force at Royal Assent see s. 84(2); Sch. 5 para. 2 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

3 In Schedule 1 to that Act, paragraph 9(2) and (3) is omitted.

Commencement Information

I181 Sch. 5 para. 3 wholly in force; Sch. 5 para. 3 not in force at Royal Assent see s. 84(2); Sch. 5 para. 3 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

4 Schedule 7 to that Act is amended as follows.

Commencement Information

I182 Sch. 5 para. 4 wholly in force; Sch. 5 para. 4 not in force at Royal Assent see s. 84(2); Sch. 5 para. 4 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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5 At the end of paragraph 4(1) there is added " and, in either case, requires the local planning authority to take all the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme. "

Commencement Information

I183 Sch. 5 para. 5 wholly in force; Sch. 5 para. 5 not in force at Royal Assent see s. 84(2); Sch. 5 para. 5 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

6 In paragraph 8(4) for "to hold a local inquiry or other hearing" there is substituted " for the purposes of this paragraph ".

Commencement Information

I184 Sch. 5 para. 6 wholly in force; Sch. 5 para. 6 not in force at Royal Assent see s. 84(2); Sch. 5 para. 6 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

7 (1) In paragraph 9 for sub-paragraph (1) there is substituted—

"(1) After the expiry of the period for making objections or, if objections have been made in accordance with the regulations, after considering those objections and the views of any person holding an inquiry or hearing or considering the objections under paragraph 8, the local planning authority may by resolution adopt the proposals (subject to the following provisions of this paragraph and paragraph 10)."

(2) In sub-paragraph (3) of that paragraph for "consider modifying" there is substituted " modify ".

Commencement Information

I185 Sch. 5 para. 7 wholly in force; Sch. 5 para. 7 not in force at Royal Assent see s. 84(2); Sch. 5 para. 7 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

8 In paragraph 10(2)(a) after "hearing" there is inserted " or any consideration of objections ".

Commencement Information

I186 Sch. 5 para. 8 wholly in force; Sch. 5 para. 8 not in force at Royal Assent see s. 84(2); Sch. 5 para. 8 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

9 For paragraph 12(1) there is substituted—

"12 (1) Where—

(a) a local planning authority are directed under paragraph 3 to make a simplified planning zone scheme which the Secretary of State

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considers appropriate or to alter such a scheme in such manner as he considers appropriate, and

(b) the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the authority are not taking within a reasonable period the steps required by this Schedule for the adoption of proposals for the making or, as the case may be, alteration of a scheme,

he may himself make a scheme or, as the case may be, the alterations."

Commencement Information

I187 Sch. 5 para. 9 wholly in force; Sch. 5 para. 9 not in force at Royal Assent see s. 84(2); Sch. 5 para. 9 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

10 In paragraph 13(2)—

(a) after paragraph (b) there is inserted—

"(bb) make provision with respect to the circumstances in which representations with respect to the matters to be included in such a scheme or proposals for its alteration are to be treated, for the purposes of this Schedule, as being objections made in accordance with regulations;" and

(b) in paragraph (e) the words from "for the purpose" to "6(2)" are omitted.

Commencement Information

I188 Sch. 5 para. 10 wholly in force; Sch. 5 para. 10 not in force at Royal Assent see s. 84(2); Sch. 5 para. 10 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2** and in force at 9.11.1992 so far as not already in force by S.I. 1992/2413, **art. 2** (subject to art. 3 of that S.I.).

SCHEDULE 6

Section 31.

PLANNING COMPENSATION REPEALS: MINOR AND CONSEQUENTIAL AMENDMENTS

Land Compensation Act 1961 (c. 33)

1 (1) In section 15 of the Land Compensation Act 1961 (assumptions not directly derived from development plans)—

(a) for subsection (3) there is substituted—

"(3) Subject to subsection (4) of this section, it shall be assumed that, in respect of the relevant land or any part of it, planning permission would be granted—

(a) subject to the condition set out in Schedule 10 to the Town and Country Planning Act 1990, for any development of a class specified in paragraph 1 of Schedule 3 to that Act; and

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(b) for any development of a class specified in paragraph 2 of Schedule 3 to that Act."; and

(b) in subsection (4), paragraphs (a) and (b) are omitted.

(2) This paragraph shall have effect, or be treated as having had effect, in relation to compensation which fell or falls to be assessed by reference to prices current on 16th November 1990 or on any subsequent date.

Commencement Information
I189 Sch. 6 para. 1 in force at 25. 07.1991 see s. 84(4).

Gas Act 1965 (c. 36)

2 In Schedule 3 to the Gas Act 1965, paragraph 3 is omitted.

Commencement Information
I190 Sch. 6 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Public Expenditure and Receipts Act 1968 (c.14)

3 In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees) in paragraph 7, sub-paragraph (b) is omitted.

Commencement Information
I191 Sch. 6 para. 3 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Post Office Act 1969 (c.48)

4 In Schedule 9 to the Post Office Act 1969 (transitional provisions) in paragraph 27(7) for "Parts V and XII of the Town and Country Planning Act 1990" there is substituted " Part XII of the Town and Country Planning Act 1990 ".

Commencement Information
I192 Sch. 6 para. 4 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Land Compensation Act 1973 (c. 26)

5 (1) In section 5 of the Land Compensation Act 1973 (assessment of compensation: assumptions as to planning permission)—

(a) for subsection (2) there is substituted—

"(2) Subject to subsection (3) below, it shall be assumed that, in respect of the land in which the interest subsists ("the relevant land") or any part of it, planning permission would be granted—

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(a) subject to the condition set out in Schedule 10 to the Town and Country Planning Act 1990, for any development of a class specified in paragraph 1 of Schedule 3 to that Act; and

(b) for any development of a class specified in paragraph 2 of Schedule 3 to that Act."; and

(b) in subsection (3), paragraphs (a) and (b) are omitted.

(2) This paragraph shall have effect, or be treated as having had effect, where the relevant date for the purposes of Part I of the [M91]Land Compensation Act 1973 fell or falls on or after 16th November 1990.

Commencement Information
I193 Sch. 6 para. 5 in force at 25. 07. 1991 see s. 84(4)

Marginal Citations
M91 1973 c. 26.

Civil Aviation Act 1982 (c. 16)

6 In section 53(1)(a) of the Civil Aviation Act 1982 "114," is omitted.

Commencement Information
I194 Sch. 6 para. 6 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Airports Act 1986 (c.31)

7 In section 61(1)(a) of the Airports Act 1986 "114," is omitted.

Commencement Information
I195 Sch. 6 para. 7 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

The principal Act

8 The principal Act is amended as follows.

Commencement Information
I196 Sch. 6 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

9 In section 55 (meaning of development) subsection (6) (meaning of new development) is omitted.

Commencement Information
I197 Sch. 6 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

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10 In section 56(5) (time when development begun) for paragraph (b) there is substituted—

"(b) development of a class specified in paragraph 1 or 2 of Schedule 3;".

Commencement Information
I198 Sch. 6 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

11 Sections 80 and 81 (review of planning decisions where compensation claimed under Part V) are omitted.

Modifications etc. (not altering text)
C24 Sch. 6 para. 11 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 2(1)**

Commencement Information
I199 Sch. 6 para. 11 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

12 In section 90(3) (development with Government authorisation) for "Parts V and" there is substituted " Part ".

Modifications etc. (not altering text)
C25 Sch. 6 para. 12 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 2(1)**

Commencement Information
I200 Sch. 6 para. 12 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

13 (1) In section 107(4) (compensation where planning permission revoked or modified) for "for any development of the land of any class specified in Schedule 3" there is substituted "—

(a) subject to the condition set out in Schedule 10, for any development of the land of a class specified in paragraph 1 of Schedule 3;

(b) for any development of a class specified in paragraph 2 of Schedule 3."

(2) This paragraph shall have effect, or be treated as having had effect, in relation to claims made on or after 16th November 1990.

Commencement Information
I201 Sch. 6 para. 13 in force at 25. 07. 1991 see s 84(4).

14 In section 109(6) (apportionment of compensation for depreciation) for "in sections 110 and 113" there is substituted " section 110 ".

Modifications etc. (not altering text)
C26 Sch. 6 para. 14 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 2(2)**

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Commencement Information
I202 Sch. 6 para. 14 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

15 In section 111 (recovery of compensation under section 107 on subsequent development)—

(a) in subsections (1) and (2) "new", in both places where it occurs, is omitted;

(b) in subsection (2) for "and (4)" there is substituted " to (5) "; and

(c) for subsection (5) there is substituted—

"(5) This section does not apply to any development—

(a) of a class specified in paragraph 1 of Schedule 3 which is carried out in accordance with the condition set out in Schedule 10; or

(b) of a class specified in paragraph 2 of Schedule 3."

Commencement Information
I203 Sch. 6 para. 15 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

16 In section 112 (amount recoverable under section 111 and provisions for payment or remission of it) the following are omitted—

(a) in subsection (9), "new";

(b) in subsection (12), paragraph (a); and

(c) in subsection (13), "paragraph (a) or paragraph (b) of".

Commencement Information
I204 Sch. 6 para. 16 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

17 Section 113 (contribution of Secretary of State where compensation could have been claimed under Part V) is omitted.

Modifications etc. (not altering text)
C27 Sch. 6 para. 17 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 2(2)**

Commencement Information
I205 Sch. 6 para. 17 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

18 In section 138(2)(a) (circumstances in which land incapable of reasonably beneficial use) for "new development," there is substituted " development other than any development specified in paragraph 1 or 2 of Schedule 3; ".

Commencement Information
I206 Sch. 6 para. 18 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

19 In section 144 (special provisions as to compensation where purchase notice served)—

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(a) in subsection (2)(b), for "existing use value" there is substituted " Schedule 3 value "; and

(b) in subsection (6), for the definition of "existing use value" there is substituted—

""Schedule 3 value", in relation to such an interest, means the value of that interest calculated on the assumption that planning permission would be granted—

(a) subject to the condition in Schedule 10, for any development of a class specified in paragraph 1 of Schedule 3; and

(b) for any development of a class specified in paragraph 2 of Schedule 3."

Commencement Information
I207 Sch. 6 para. 19 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

20 In section 198(4)(a) (tree preservation orders) "80, 81" is omitted.

Commencement Information
I208 Sch. 6 para. 20 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

21 In section 220(3)(a) (advertisement regulations) "80, 81" is omitted.

Commencement Information
I209 Sch. 6 para. 21 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

22 In section 262(4) and (7)(a) (meaning of "statutory undertakers") "123" is omitted.

Commencement Information
I210 Sch. 6 para. 22 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

23 In section 263(3) (meaning of "operational land") "123(3) and (4)" is omitted.

Commencement Information
I211 Sch. 6 para. 23 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

24 In section 284(3) (validity of orders, etc.) paragraph (c) is omitted.

Commencement Information
I212 Sch. 6 para. 24 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

25 (1) In section 298 (supplementary provisions as to Crown and Duchy interests) for subsections (1) and (2) there is substituted—

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"(1) Where there is a Crown interest in any land, sections 109 to 112 shall have effect in relation to any private interest or Duchy interest as if the Crown interest were a private interest.

(2) Where there is a Duchy interest in any land, those sections shall have effect in relation to that interest or any private interest as if the Duchy interest were a private interest."

(2) In subsection (3) of that section for "the provisions of this Act referred to in subsection (1)(a)" there is substituted " sections 109 to 112 ".

(3) This paragraph does not affect the operation of Schedule 3 to the [M92]Planning (Consequential Provisions) Act 1990 in relation to any private interest or Duchy interest (as defined in section 293 of the principal Act).

Commencement Information
I213 Sch. 6 para. 25 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M92 1990 c. 11.

26 (1) In section 308 (recovery from acquiring authorities of sums paid by way of compensation)—

(a) in subsection (1)(b), "or 132(1)" is omitted;

(b) in subsection (2), "or, as the case may be, section 132(4)" is omitted; and

(c) in subsection (6) "and in section 309" is omitted.

(2) Any amount recoverable under that section, by reason of a notice registered under section 132(1), which has not been paid shall cease to be recoverable.

Commencement Information
I214 Sch. 6 para. 26 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

27 Section 309 (recovery from acquiring authorities of sums paid in respect of war-damaged land) is omitted.

Commencement Information
I215 Sch. 6 para. 27 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

28 In section 310 (sums recoverable from acquiring authorities reckonable for purposes of grant) "or 309" is omitted.

Commencement Information
I216 Sch. 6 para. 28 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

29 In section 311(1)(b) (expenses of government departments) "or V" is omitted.

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Modifications etc. (not altering text)
C28 Sch. 6 para. 29 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.II para. 2(1)**

Commencement Information
I217 Sch. 6 para. 29 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

30 Section 312 (payments under s. 59 of 1947 Act and Parts I and V of 1954 Act) is omitted.

Modifications etc. (not altering text)
C29 Sch. 6 para. 30 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.II para. 2(1)**

Commencement Information
I218 Sch. 6 para. 30 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

31 In section 313 (general provision as to receipts of Secretary of State) "Without prejudice to section 312, and" is omitted.

Commencement Information
I219 Sch. 6 para. 31 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

32 In section 315(2) (power to modify Act in relation to minerals) the words from "and in relation" to "in respect of such land" are omitted.

Commencement Information
I220 Sch. 6 para. 32 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

33 In section 318(5) (ecclesiastical property) for "112, 133 or 327" there is substituted " or 112 ".

Commencement Information
I221 Sch. 6 para. 33 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

34 In section 324 (rights of entry) subsection (4) is omitted.

Commencement Information
I222 Sch. 6 para. 34 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

35 Section 326 (assumptions as to planning permission in determining value of interests in land) is omitted.

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Commencement Information
I223 Sch. 6 para. 35 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

36 Section 327 (recovery on subsequent development of payments in respect of war-damaged land) is omitted.

Commencement Information
I224 Sch. 6 para. 36 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

37 In section 328(1) (settled land, etc.) for "112, 133 or 327" there is substituted " or 112 ".

Commencement Information
I225 Sch. 6 para. 37 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

38 In section 336(1) (interpretation) the definitions of "new development" and "previous apportionment" are omitted.

Modifications etc. (not altering text)
C30 Sch. 6 para. 38 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.II para. 2(1)**

Commencement Information
I226 Sch. 6 para. 38 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

39 In Schedule 1 (distribution of functions) in paragraph 16(1) "114" is omitted.

Commencement Information
I227 Sch. 6 para.39 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

40 (1) In Schedule 3 (existing use development, etc.), paragraphs 3 to 8, 11 and 14 are omitted.

(2) In paragraph 10(2) of that Schedule for "paragraphs 1 and 3" there is substituted " paragraph 1 ".

(3) In paragraph 13 of that Schedule for sub-paragraph (2) there is substituted—

"(2) This paragraph does not apply for the purposes of sections 111 and 138."

Commencement Information
I228 Sch. 6 para. 40 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

41 In Schedule 16 (provisions referred to in sections 314 to 319)—

(a) in Part I for the entry relating to sections 114 and 115 there is substituted — " Section 115 ",

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) in Parts III and VI, the entries relating to Schedule 12 are omitted.

Commencement Information
I229 Sch. 6 para. 41 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

42 (1) In section 30 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (local planning authorities for compensation purposes), in subsection (1), paragraph (a) is omitted.

(2) In subsection (2) of that section "27," is omitted.

Commencement Information
I230 Sch. 6 para. 42 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

43 In section 31(2) and (4) of that Act (general provisions as to compensation for depreciation under this Part) for "27 to", in both places where it occurs, there is substituted " 28 and ".

Commencement Information
I231 Sch. 6 para. 42 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

44 In section 32(4) of that Act (purchase notices) for "new development" there is substituted " development (other than any development specified in paragraph 1 or 2 of Schedule 3 to the principal Act) ".

Commencement Information
I232 Sch. 6 para. 44 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

45 In section 49 of that Act (compensation on compulsory acquisition of building) the words from "other than" to the end are omitted.

Commencement Information
I233 Sch. 6 para. 45 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

46 In section 88(4) of that Act (rights of entry) "27," is omitted.

Commencement Information
I234 Sch. 6 para. 46 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

47 (1) In section 90 of that Act (financial provisions), in subsection (2) for "27" there is substituted " 28 ".

(2) In subsection (7)(a) of that section for "27 to" there is substituted " 28 or ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I235 Sch. 6 para. 47 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

48 In section 91(2) of that Act (interpretation) "new development" is omitted.

Commencement Information
I236 Sch. 6 para. 48 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Planning (Consequential Provisions) Act 1990 (c.11)

49 The saving made by paragraph 3 of Schedule 3 to the Planning (Consequential Provisions) Act 1990 (transitional provisions and savings) shall cease to have effect in relation to any right to or claim for or any liability in respect of any payment—

(a) under a scheme made under section 59 of the [M93]Town and Country Planning Act 1947;

(b) under any provision of Part I or V of the [M94]Town and Country Planning Act 1954.

Modifications etc. (not altering text)
C31 Sch. 6 para. 49 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 2(1)**

Commencement Information
I237 Sch. 6 para. 49 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M93 1947 c. 51
M94 1954 c. 72.

SCHEDULE 7

Section 32.

PLANNING IN ENGLAND AND WALES: MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 27/07/1992

Agricultural Land (Removal of Surface Soil) Act 1953 (c. 10)

1 In section 2(3) of the Agricultural Land (Removal of Surface Soil) Act 1953 for the words from "it was determined" to the end there is substituted " a certificate was issued under section 192 of the Town and Country Planning Act 1990 that the operations would be lawful. "

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Modifications etc. (not altering text)
C32 Sch. 7 para. 1 restricted (29.6.1992) by S.I. 1992/1630, **art. 3(3)**

Commencement Information
I238 Sch. 7 para. 1 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

Local Government Act 1972 (c. 70)

2 In Part III of Schedule 12A to the Local Government Act 1972, in the definition of "protected informant", for "172(3)" there is substituted " 171A ".

Commencement Information
I239 Sch. 7 para. 2 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 27/07/1992

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

3 In section 7(5) of the Local Government (Miscellaneous Provisions) Act 1976 paragraph (a)(iii) is omitted.

Commencement Information
I240 Sch. 7 para. 3 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

Rent (Agriculture) Act 1976 (c.80)

4 In section 33(4) of the Rent (Agriculture) Act 1976 for the words from "section 63(2)(b)" to the end there is substituted " section 73A of the Town and Country Planning Act 1990 ".

Commencement Information
I241 Sch. 7 para. 4 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 02/01/1992

Local Government, Planning and Land Act 1980 (c. 65)

5 In Part I of Schedule 29 to the Local Government, Planning and Land Act 1980, the following are inserted at the appropriate places among the provisions of the principal Act there listed: 171C, 173A, 187A, 187B, 196A to 196C and 324(1)(b) and (c) and (7).

Commencement Information

I242 Sch. 7 para. 5 wholly in force; Sch. 7 para. 5 not in force at Royal Assent see s. 84(2); in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5 of that S.I.); para. 5 in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 25/10/1991

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

6 In section 33 of the Local Government (Miscellaneous Provisions) Act 1982, in subsection (1) for paragraphs (a) to (c) there is substituted—

"(a) is executed for the purpose of securing the carrying out of works on land in the council's area in which the other person has an interest, or

(b) is executed for the purpose of regulating the use of or is otherwise connected with land in or outside the council's area in which the other person has an interest,

and which is neither executed for the purpose of facilitating nor connected with the development of the land in question. "

Commencement Information

I243 Sch. 7 para. 6 in force at 25.10.1991, see s. 84(2)(3) and S.I. 1991/2272, **art. 3(c)**

VALID FROM 02/01/1992

Housing Act 1988 (c. 50)

7 In section 67(3A) of the Housing Act 1988 after "104" there is inserted " 171C, 171D ".

Commencement Information

I244 Sch. 7 para. 7 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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The principal Act

8 The principal Act is amended as follows.

Commencement Information

I245 Sch. 7 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Part I

9 (1) In section 5(1) for "300 and 324(1)(b) and (c) and (7)" there is substituted " and 300 ".

(2) In section 5(3)—

(a) for "sections 36 to 49, 50(6) to (9), 51" there is substituted " Part II, sections ",

(b) for "64 to 72" there is substituted " 65, 69 to 72 ",

(c) for "81" there is substituted " 79 ",

(d) after "106" there is inserted " to 106B, 171C ",

(e) after "173" there is inserted " 173A ",

(f) after "184" there is inserted " 187A, 187B ",

(g) for "215" there is substituted " 214, 215 ",

(h) after "299" there is inserted " 299A ", and

(i) for "316(1) to (3) and 324(1)(a)" there is substituted " 316 and 324(1) and (7) ".

Commencement Information

I246 Schedule 7 para. 9 wholly in force: para. 9 not in force at Royal Assent see s. 84(2); para 9(2)(c) wholly in force at 25.9.1991 by S.I. 1991/2067, **art. 3** (subject to art. 4 of that S.I.); para. 9(2)(h) wholly in force at 25.10.1991 by S.I. 1991/2272, **art. 3**; para. 9(1)(2)(e)(g) wholly in force and para. 9(2)(d)(f)(i) in force to a certain extent at 2.1.1992 by S.I. 1991/2905 art. 3, Sch. 1 (subject to art. 5 of that S.I.); para. 9(2)(a) wholly in force at 10.2.1992 by S.I. 1991/2905, **art. 4**; para. 9(2)(i) in force at 17.7.1992 in so far as not already in force by S.I. 1992/1491, art. 2, **Sch. 1**; para. 9(2)(b) wholly in force and para. 9(2)(f) in force in so far as not already in force at 27.7.1992 by S.I. 1992/1630, art. 2, **Sch. 1**; para. 9(2)(d) in force at 9.11.1992 in so far as not already in force by S.I. 1992/2831, **art. 2**.

Part III

10 (1) In section 56, in subsection (3) after "87(4)" there is inserted " 89 ".

(2) In subsection (4) of that section after paragraph (a) there is inserted—

"(aa) any work of demolition of a building;".

Commencement Information

I247 Sch. 7 para. 10 wholly in force; para. 10 not in force at Royal Assent see s. 84(2); para. 10(1) wholly in force at 25.9.1991 by S.I. 1991/2067, **art. 3**; para. 10(2) wholly in force at 27.7.1992 by S.I. 1992/1279, **art. 2**.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 02/01/1992

11 Section 63 is omitted.

Commencement Information
I248 Sch. 7 para. 11 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 27/07/1992

12 Section 64 is omitted.

Commencement Information
I249 Sch. 7 para. 12 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

13 In section 69—
(a) in subsection (1) "made to that authority", and
(b) in subsection (3) "made to the authority",
are omitted.

Commencement Information
I250 Sch. 7 para. 13 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 17/07/1992

14 In section 70(3) for "sections 65, 66 and 67" there is substituted " section 65 ".

Commencement Information
I251 Sch. 7 para. 14 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, **Sch. 1**

VALID FROM 17/07/1992

15 In section 71(4) for the definitions of "agricultural holding" and "owner" there is substituted—

""prescribed" means prescribed by a development order".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I252 Sch. 7 para. 15 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, **Sch. 1**

VALID FROM 02/01/1992

16 (1) After section 73 there is inserted—

"**73A Planning permission for development already carried out.**

(1) On an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.

(2) Subsection (1) applies to development carried out—
(a) without planning permission;
(b) in accordance with planning permission granted for a limited period; or
(c) without complying with some condition subject to which planning permission was granted.

(3) Planning permission for such development may be granted so as to have effect from—
(a) the date on which the development was carried out; or
(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period."

Commencement Information
I253 Sch. 7 para. 16 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 17/07/1992

17 In section 74(2) "section 71 of this Act and" is omitted.

Commencement Information
I254 Sch. 7 para. 17 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, **Sch. 1**

VALID FROM 02/01/1992

18 In section 77(4) for "65(2) and (9), 66, 67, 70, 71(1) and (2), 72(1) and (5) and 73" there is substituted " 70, 72(1) and (5), 73 and 73A " and at the end there is inserted " and a development order may apply, with or without modifications, to an application so referred any requirements imposed by such an order by virtue of section 65 or 71 ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I255 Sch. 7 para. 18 wholly in force; para. 18 not in force at Royal Assent see s. 84(2); para. 18 in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch 1** (subject to art. 5 of that S.I.); para. 18 in force at 17.7.1992 insofar as not already in force by S.I. 1992/1491, art. 2, **Sch. 1**

VALID FROM 02/01/1992

19 In section 79(4) for "66, 67, 70, 71(2), 72(1) and (5) and 73" there is substituted " 70, 72(1) and (5), 73 and 73A " and at the end there is inserted " and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71 ".

Commencement Information

I256 Sch. 7 para. 19 wholly in force; para. 19 not in force at Royal Assent see s. 84(2); in force to a certain extent at 2.1.1992 by S.I. 1991/2905, arts. 3, **Sch. 1** (subject to art. 5 of that S.I.); in force at 17.7.1992 insofar as not already in force by S.I. 1992/1491, art. 2, **Sch. 1**

VALID FROM 02/01/1992

20 In section 91(4)(b), for the words from "granted" to the end there is substituted " granted for development carried out before the grant of that permission ".

Commencement Information

I257 Sch. 7 para. 20 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 02/01/1992

21 In section 102, for subsections (4) and (5) there is substituted—

"(4) The planning permission which may be granted by an order under this section includes planning permission, subject to such conditions as may be specified in the order, for development carried out before the date on which the order was submitted to the Secretary of State under section 103.

(5) Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out; or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period."

Commencement Information

I258 Sch. 7 para. 21 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Part VII

VALID FROM 02/01/1992

22 In section 174(6) "in writing" is omitted.

Commencement Information
I259 sch. 7 para. 22 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 02/01/1992

23 For section 176(1) and (2) there is substituted—

"(1) On an appeal under section 174 the Secretary of State may—

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal."

Commencement Information
I260 Sch. 7 para. 23 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 02/01/1992

24 (1) In section 177(1)—

(a) for paragraph (a) there is substituted—

"(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;" and

(b) for paragraph (c) there is substituted—

"(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

(b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194".

(2) For section 177(3) there is substituted—

"(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III."

(3) In section 177(5) for "for the development to which the notice relates" there is substituted " in respect of the matters stated in the enforcement notice as constituting a breach of planning control ".

Commencement Information

I261 Sch. 7 para 24 wholly in force; para. 24 not in force at Royal Assent see s. 84(2); para. 24(1)(a)(2)(3) wholly in force at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5 of that S.I.); para. 24(1)(b) in force at 27.7.1992 by S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

25 In section 178(2) "(as defined in section 172(3))" is omitted.

Commencement Information

I262 Sch. 7 para. 25 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 02/01/1992

26 For section 180 there is substituted—

"**180 Effect of planning permission, etc., on enforcement or breach of condition notice.**

(1) Where, after the service of—

(a) a copy of an enforcement notice; or

(b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(2) Where after a breach of condition notice has been served any condition to which the notice relates is discharged, the notice shall cease to have effect so far as it requires any person to secure compliance with the condition in question.

(3) The fact that an enforcement notice or breach of condition notice has wholly or partly ceased to have effect by virtue of this section shall not affect the liability of any person for an offence in respect of a previous failure to comply, or secure compliance, with the notice."

Commencement Information

I263 Sch. 7 para. 26 wholly in force; para. 26 in force for certain purposes at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5 of that S.I.); para. 26 in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

27 In section 181—

(a) in subsections (1)(a), (4)(b) and (5)(b) for "demolition", in each place where it occurs, there is substituted " removal ";

(b) in subsections (3), (4) and (5) for "demolished", in each place where it occurs, there is substituted " removed "; and

(c) in subsection (5)(b) for "any of the provisions of section 179(1) to (5)" there is substituted " section 179(2) ".

Commencement Information

I264 Sch. 7 para. 27 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 02/01/1992

28 In section 184—

(a) in subsection (4)(b) for "compliance period" there is substituted " period for compliance with the enforcement notice ";

(b) in subsection (5) for the words from "included" to the end there is substituted " relevant activities ";

(c) in subsection (8) for "172(6)" there is substituted " 172 ".

Commencement Information

I265 Sch. 7 para. 28 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 02/01/1992

29 In section 186—

(a) in subsection (1)(b) for the words from "matters" to the end there is substituted " any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity "; and

(b) in subsection (1)(c) the words from "or for its retention" to "granted" are omitted;

(c) in subsection (2) for the words from "so much" to the end there is substituted " the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities ".

Commencement Information

I266 Sch. 7 para. 29 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**, 5 Sch. 1

VALID FROM 27/07/1992

30 In section 188—

(a) after subsection (1)(b) there is inserted "and

(c) to breach of condition notices", and the "and" immediately preceding paragraph (b) is omitted;

(b) in subsection (2)(a) for "or stop notice" there is substituted " stop notice or breach of condition notice ", and

(c) in subsection (2)(b) after "stop notices" there is inserted " and breach of condition notices ".

Commencement Information

I267 Sch. 7 para. 30 wholly in force at 27.7.1992 see s. 84(2) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

31 Section 190(4) is omitted.

Commencement Information

I268 Sch. 7 para. 31 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 27/07/1992

32 In section 195—

(a) in subsection (1) for "an established use certificate" there is substituted " a certificate under section 191 or 192 ",

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) in subsection (2) for "an established use certificate" there is substituted " a certificate under section 191 or, as the case may be, 192 ", and

(c) for subsection (4) there is substituted—

"(4) References in this section to a refusal of an application in part include a modification or substitution of the description in the application of the use, operations or other matter in question."

Commencement Information

I269 Sch. 7 para. 32 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 27/07/1992

33 In section 196—

(a) in subsection (1) "an application referred to him under section 192(5) or" is omitted and for "applicant or appellant (as the case may be)" there is substituted " appellant ",

(b) in subsection (2) for "an established use certificate on such a reference or" there is substituted " a certificate under section 191 or 192 on ",

(c) in subsection (3) "application or" is omitted,

(d) in subsection (4) for "established use certificates" there is substituted " certificates under section 191 or 192 ", and

(e) subsections (5) to (7) are omitted.

Commencement Information

I270 Sch. 7 para. 33 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

Part VIII

VALID FROM 17/07/1992

34 In section 198(4)(a) "to 68" is omitted.

Commencement Information

I271 Sch. 7 para. 34 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, **Sch. 1**

VALID FROM 02/01/1992

35 In section 216(6) for "£40" there is substituted " one-tenth of level 3 on the standard scale ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I272 Sch. 7 para. 35 in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2905, **arts. 3**,5

36 Section 219(6) is omitted.

Commencement Information
I273 Sch. 7 para. 36 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

VALID FROM 17/07/1992

37 In section 220(3)(a) "to 68" is omitted.

Commencement Information
I274 Sch. 7 para. 37 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, **Sch. 1**

VALID FROM 06/04/1992

38 In section 224(3) for "£40" there is substituted " one-tenth of level 3 on the standard scale ".

Commencement Information
I275 Sch. 7 para. 38 wholly in force at 6.4.1992 see s. 84(2) and S.I. 1992/665, **art. 2**.

VALID FROM 27/07/1992

Part X

39 Section 250(2) is omitted.

Commencement Information
I276 Sch. 7 para. 39 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 27/07/1992

Part XI

40 Section 266(3) is omitted.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I277 Sch. 7 para. 40 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

Part XII

VALID FROM 27/07/1992

41 In section 284(3)(g) the words from "on an application" to "or" are omitted.

Commencement Information
I278 Sch. 7 para. 41 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

42 In section 285—
(a) in subsection (1) "Subject to the provisions of this section" is omitted;
(b) in subsection (2) "(6) to (8)" is omitted; and
(c) subsections (5) and (6) are omitted.

Commencement Information
I279 Sch. 7 para. 42 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 27/07/1992

43 In section 286—
(a) in subsection (1), paragraph (b) is omitted and in paragraph (c) for "an established use certificate under section 192" there is substituted " a certificate under section 191 or 192 ", and
(b) in subsection (2), after "183" there is inserted " or a breach of condition notice under section 187A ".

Commencement Information
I280 Sch. 7 art. 43 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 27/07/1992

44 Section 290 is omitted.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I281 Sch. 7 para. 44 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

Part XIII

45 (1) In section 296, in subsection (1)(c) after "VII" there is inserted " except sections 196A and 196B ".

(2) In subsection (2)(a) of that section for "172" there is substituted " 171C, 172, 173A, 183, 187A, 187B ".

Commencement Information

I282 Sch. 7 para. 45 wholly in force; para. 45 not in force at Royal Assent see s. 84(2); para. 45(1) wholly in force and para. 45(2) in force for certain purposes at 2.9.1992 by S.I. 1991/2905, arts. 3, 5, **Sch. 1**; para. 45(2) in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 27/07/1992

46 (1) Section 299 is amended as follows.

(2) In subsection (1) for "determination under section 64" there is substituted " certificate under section 192 ".

(3) In subsection (2) for "or determination" there is substituted " or certificate ".

(4) For subsection (4) there is substituted—

"(4) Any application made by virtue of this section for a certificate under section 192 shall be determined as if the land were not Crown land."

(5) In subsection (5)(a) for "determinations" there is substituted " certificates ".

(6) In subsection (6) for "determination" there is substituted " certificate ".

Commencement Information

I283 Sch. 7 para. 46 wholly in force at 27.7.1992 see s. 84(2)(3) and S.I. 1992/1630, art. 2, **Sch. 1**

VALID FROM 02/01/1992

Part XIV

47 In section 306(2)(b) and (3) after "VII", in both places where it occurs, there is inserted " except sections 196A and 196B ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I284 Sch. 7 para. 47 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

Part XV

VALID FROM 25/11/1991

48 After section 316 there is inserted—

"**316A Local planning authorities as statutory undertakers.**

In relation to statutory undertakers who are local planning authorities, section 283 and the provisions specified in that section shall have effect subject to such exceptions and modifications as may be prescribed."

Commencement Information

I285 Sch. 7 para. 48 wholly in force; para. 48 not in force at Royal Assent see s. 84(2); para. 48 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2**; para. 48 in force at 17.7.1992 insofar as not already in force by S.I. 1992/1491, art. 2, **Sch. 1**

VALID FROM 25/11/1991

49 For section 319 there is substituted—

"**319 The Isles of Scilly.**

(1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.

(2) An order under this section may in particular provide for the exercise by the Council of the Isles of Scilly of any functions exercisable by a local planning authority or mineral planning authority.

(3) Before making an order under this section the Secretary of State shall consult with that Council."

Commencement Information

I286 Sch. 7 para. 49 wholly in force; para. 49 not in force at Royal Assent see s. 84(2); para. 49 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2**; para. 49 in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2, **Sch. 1**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 02/01/1992

50 (1) Section 325 is amended as follows.

(2) In subsection (1)(a) after "authority" there is inserted " and state the purpose of his entry ".

(3) In subsection (2), for "level 2" there is substituted " level 3 ".

(4) In subsection (4), for "premises" there is substituted " land ".

Commencement Information
I287 Sch. 7 para. 50 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

51 At the end of section 329 there is inserted—

"(4) This section is without prejudice to section 233 of the [M95]Local Government Act 1972 (general provisions as to service of notices by local authorities)."

Commencement Information
I288 Sch. 7 para. 51 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M95 1972 c. 70.

VALID FROM 02/01/1992

52 (1) Section 336 is amended as follows.

(2) In subsection (1)—

(a) after the definition of "authority to whom Part II of the 1959 Act applies" there is inserted—

""breach of condition notice" has the meaning given in section 187A;

"breach of planning control" has the meaning given in section 171A",

(b) at the end of the definition of "buildings or works" there is inserted " and references to the removal of buildings or works include demolition of buildings and filling in of trenches "; and

(c) for the definition of "building operations" there is substituted—

""building operations" has the meaning given by section 55",

(d) the definition of "established use certificate" is omitted,

(e) in the definition of "owner" the words "(except in sections 66, 67 and 71)" are omitted,

(f) after the definition of "the planning Acts" there is inserted—

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""planning contravention notice" has the meaning given in section 171C", and

(g) in the definition of "planning permission" the words from "and in construing" to the end are omitted.

(3) In subsection (9) for "in Part V of Schedule 16" there is substituted " of Parts III, VII and VIII " and "(1) to (3)" is omitted.

(4) In subsection (10) for "sections 324(2) and" there is substituted " section ".

Modifications etc. (not altering text)

C33 Sch. 7 para. 52(2)(c) restricted (1.6.1992) by S.I. 1992/1279, **art.3**

Commencement Information

I289 Sch. 7 para. 52 wholly in force; para. 52 not in force at Royal Assent see s. 84(2); para. 52(1)(2)(b)(f)(g)(4) wholly in force and para. 52(2)(a) in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5 of that S.I.); para. 52(2)(e)(3) wholly in force at 17.7.1992 by S.I. 1992/1491, art. 2, **Sch. 1**; para. 52(2)(c) wholly in force at 27.7.1992 by S.I. 1992/1279, **art. 2** (subject to art. 3 of that S.I.); para. 52(2)(a) in force insofar as not already in force and para. 52(2)(d) wholly in force at 27.7.1992 by S.I. 1992/1630, art. 2, **Sch. 1**

Schedules

VALID FROM 25/10/1991

53 (1) Schedule 1 is amended as follows.

(2) For paragraph 3(1)(b) and (c) there is substituted—

"(b) applications for a certificate under section 191 or 192".

(3) In paragraph 4(2) for "such application relating" there is substituted " application for planning permission, for a certificate under section 191 or 192 or for consent to the display of advertisements under section 220, relating in each case ".

(4) In paragraph 7(1) for "sections 70 and 71" there is substituted " section 70 ".

(5) For paragraph 8 there is substituted—

"8 (1) A local planning authority who have the function of determining applications for planning permission shall, if requested to do so by the council of any parish or community situated in their area, notify the council of—

(a) any relevant planning application; and

(b) any alteration to that application accepted by the authority.

(2) In sub-paragraph (1) "a relevant planning application" means an application which—

(a) relates to land in the parish or community; and

(b) is an application for—

(i) planning permission; or

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(ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.

(3) Any request made for the purposes of sub-paragraph (1) shall be in writing and state that the council wishes to be notified of all relevant applications or all applications of a description specified in the request.

(4) An authority shall comply with the duty to notify a council of an application by—

(a) sending the council a copy of the application; or

(b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates,

and any notification falling within paragraph (b) shall be in writing.

(5) An authority shall comply with their duty to notify a council of an alteration by—

(a) sending a copy of the alteration to the council; or

(b) informing the council in writing of its general effect,

but they need not notify a council of an alteration which in their opinion is trivial.

(6) A development order may require a local planning authority which is dealing with an application of which a council is entitled to be notified—

(a) to give the council an opportunity to make representations to them as to the manner in which the application should be determined;

(b) to take into account any such representations;

(c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.”

(6) In paragraph 11(1)(b), after “serving” there is inserted “ planning contravention notices under section 171C or ” and after “section 183” there is inserted “ or breach of condition notices under section 187A ”.

(7) After paragraph 12 there is inserted—

“12A The functions of a local planning authority under section 187B are exercisable by any body having the function of taking enforcement action in respect of the breach in question”.

(8) In paragraph 20, in sub-paragraph (1), for “100(3), 104(3) or 202(1)” there is substituted “ 100(3), 104(3), 196A(3), 202(1) or 214B(6) ”.

(9) For sub-paragraph (3) of that paragraph there is substituted—

“(3) In relation to land in the area of a joint planning board, a person entering into a planning obligation under section 106 or 299A may identify the council of the county in which the land is situated as the authority by whom the obligation is enforceable.”

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Commencement Information

I290 Sch. 7 para. 53 wholly in force; para. 53 not in force at Royal Assent see s. 84(2); para. 53(9) wholly in force at 25.10.1991 by S.I. 1991/2272, **art. 3(1)(c)**; para. 53(3)(5)(6) in force at 2.1.1992 to a certain extent and para. 53(7)(8) wholly in force at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5 of that S.I.); para. 53(3) in force at 6.4.1992 in so far as not already in force by S.I. 1992/665, **art. 2**; para. 53(4) wholly in force at 17.7.1992 by S.I. 1992/1491, art. 2, **Sch. 1**; para. 53(2) wholly in force and para. 53(6) in force insofar as not already in force at 27.7.1992 by S.I. 1992/1630, art. 2, **Sch. 1**; para. 53(5) in force at 9.11.1991 in so far as not already in force by S.I. 1992/2831, **art. 2** (subject to art. 3 of that S.I.).

54 (1) Schedule 6 is amended as follows.

(2) In paragraph 1(1), after "78" there is inserted " 106B ".

(3) In paragraph 2—

(a) in sub-paragraph (1)(a), for "subsections (1) and (4)" there is substituted " subsections (1), (4) and (6A) ",

(b) after that sub-paragraph there is inserted—

"(aa) in relation to an appeal under section 106B, as he has under that section";

(c) in sub-paragraph (1)(b), after "(2)" there is inserted " to (2A) ";

(d) in sub-paragraph (1)(c) "and subsection (5) of section 196" is omitted;

(e) in sub-paragraph (1)(d) for "and (8)" there is substituted " to (8A) ";

(f) in sub-paragraph (2) after "79(2)" there is inserted " 106B(4) "; and

(g) in sub-paragraph (8) "or 290" is omitted.

(4) In paragraphs 3(2) and 4(2) after "under" there is inserted " any provision of a development order made by virtue of ".

Commencement Information

I291 Sch. 7 para. 54 wholly in force; para. 54 not in force at Royal Assent see s. 84(2); para. 54(1)(3)(a) wholly in force at 25.9.1991 by S.I. 1991/2067, **art. 3**; para. 54(3)(c)(e) wholly in force at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5 of that S.I.); para. 54(4) wholly in force at 17.7.1992 by S.I. 1992/1491, art. 2, **Sch. 1**; para. 54(3)(d)(g) wholly in force at 27.7.1992 by S.I. 1992/1630, art. 2, **Sch. 1**; para. 54(2)(3)(b)(f) wholly in force at 9.11.1992 by S.I. 1992/2831, **art. 2**.

VALID FROM 17/07/1992

55 In Schedule 8, in paragraphs 3(2) and 4(5)(a) for "section 71(1) or (2)" there is substituted " any provision of a development order made by virtue of section 71(2)(a) ".

Commencement Information

I292 Sch. 7 para. 55 wholly in force at 17.7.1992 see s. 84(2) and S.I. 1992/1491, art. 2, **Sch. 1**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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56 In Schedule 13, in paragraph 5, for "functions of a government department, local authority or statutory undertakers" there is substituted " such functions as are mentioned in paragraph 1(a)(i) or (ii). "

Commencement Information

I293 Sch. 7 para. 56 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

57 (1) Schedule 16 is amended as follows.

(2) In Part I—

(a) in the entry relating to sections 61 to 64 for "to 64" there is substituted " and 62 ",

(b) after the entry for section 70 there is inserted— " Section 70A. ",

(c) after the entry relating to section 72(1) to (4) there is inserted— " Section 73A. ",

(d) in the entry relating to section 77, "(2) and (9), 66 and 67" is omitted,

(e) in the entry relating to sections 78 and 79, the words from "with" to the end are omitted,

(f) for the entry relating to section 106 there is substituted— " Sections 106 to 106B. ",

(g) after the entry relating to section 190 there is inserted—

"Section 192.

Sections 196A to 196C.",

(h) after the entry relating to section 211(4) there is inserted— " Sections 214A to 214D. ",

(i) in the entry relating to section 285, "except subsections (5) and (6)" is omitted,

(j) in the entry relating to section 296, for "sections 65 to 68" there is substituted " section 65 ", and

(k) for the entry relating to section 316 there is substituted— " Sections 316 and 316A. "

(3) In Part II—

(a) for the entries relating to sections 65 and 68 there is substituted— " Section 65. ",

(b) in the entry for section 79 for "and" there is substituted " to ",

(c) after the entry relating to section 166 there is inserted— " Sections 171A to 171D. ",

(d) for the entry relating to section 187 there is substituted— " Sections 187 to 187B. "

(4) In Part III—

(a) for the first three entries there is substituted— " Sections 109 to 112. ",

(b) the entries relating to sections 312(2) and 324(4) are omitted, and

(c) for the entry relating to sections 327 and 328 there is substituted— " Section 328. "

(5) Parts IV and V are omitted.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) In Part VI—

(a) for the entries relating to sections 65 to 68 there is substituted— " Section 65. ",

(b) in the entry relating to section 71 for "and (2)" there is substituted " (2) and (2A) ",

(c) for the entry relating to sections 290 and 291 there is substituted— " Section 291. ", and

(d) in the entry relating to section 296 for "sections 65 to 68" there is substituted " section 65 ".

Commencement Information

I294 Sch. 7 para. 57 wholly in force; para. 57 not in force at Royal Assent see s. 84(2); para. 57(1)(2)(b)(3)(b)(4) wholly in force at 25.9.1991 by S.I. 1991/2067, **art. 3**; para. 57(2)(c)(h)(i)(3)(c) wholly in force and para. 57(2)(a)(g)(3)(d) in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5 of that S.I.); para. 57(2)(d)(e)(j)(k)(3)(a)(6)(a)(b)(d) wholly in force and para. 57(5) in force to a certain extent at 17.7.1992 by S.I. 1992/1491, art. 2, **Sch. 1**; para. 57(2)(a)(g)(3)(d)(5) in force in so far as not already in force and para. 57(6)(c) wholly in force at 27.7.1992 by S.I. 1992/1630, art. 2, **Sch. 1**; para. 57(2)(f) wholly in force at 9.11.1992 by S.I. 1992/2831, **art. 2**.

VALID FROM 02/01/1992

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

58 In section 59(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for "£40" there is substituted " one-tenth of level 3 on the standard scale ".

Commencement Information

I295 Sch. 7 para. 58 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

59 For section 67(8) of that Act there is substituted—

"(8) In this section references to planning permission do not include references to planning permissions falling within section 73A of the principal Act."

Commencement Information

I296 Sch. 7 para. 59 wholly in force at 2.1.1992 see s. 84(2)(3) and s.I. 1991/2905, arts. 3,5, Sch. 1

60 For section 73(2) of that Act there is substituted—

"(2) In this section references to planning permission do not include references to planning permissions falling within section 73A of the principal Act."

Commencement Information

I297 Sch. 7 para. 60 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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61 For paragraph 3 of Schedule 4 to that Act (distribution of functions: National Parks) there is substituted—

"3 Where an application for listed building consent under section 10 relating to land in a National Park falls to be determined by a county planning authority, that authority—

(a) shall send a copy of the application, as soon as practicable and in any event not later than seven days after they have received it, to the district planning authority for the area in which the land to which the application relates is situated; and

(b) shall before determining the application consult the district planning authority."

Commencement Information

I298 Sch. 7 para. 61 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5, **Sch. 1**

VALID FROM 24/01/1992

SCHEDULE 8

Section 51

MINES AND WASTE - SCOTLAND

Commencement Information

I299 Sch. 8 wholly in force at 24.1.1992 see s. 84(2) and S.I. 1992/71, **art. 2**

. . . . . .

VALID FROM 24/01/1992

SCHEDULE 9

Section 52.

REGISTRATION OF OLD MINING PERMISSIONS

Commencement Information

I315 Sch. 9 wholly in force at 24.1.1992 see s. 84(2) and S.I. 1992/71, **art. 2**

. . . . . .

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 10

Section 57.

LISTED BUILDINGS, CONSERVATION AREAS AND HAZARDOUS SUBSTANCES - SCOTLAND

The 1972 Act

1 The 1972 Act is amended as follows.

Commencement Information
I316 Sch. 10 para. 1 wholly in force at 25.9.1991, see s, 84(2)(3) and S.I. 1991/2092, **art. 3**

2 For section 53(5) (offences: penalties) there is substituted—

"(5) A person who is guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000, or both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both;

and in determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence."

Commencement Information
I317 Sch. 10 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

VALID FROM 18/02/1993

3 In section 56L(4) (offences)—

(a) for "the statutory maximum" there is substituted " £20,000 "; and

(b) for the words following paragraph (b) there is substituted—

"(4A) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence."

Commencement Information
I318 Sch. 10 para. 3 wholly in force at 18.2.1993 see s. 57 and S.I. 1993/275, **art. 2**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 26/03/1992

4 In section 92, (power to serve listed buildings enforcement notice)—

(a) subsection (1)(c) is omitted; and

(b) for subsection (4) there is substituted—

"(4) A listed building enforcement notice—

(a) shall specify the date upon which it is to take effect, and, subject to section 93(3) of this Act, shall take effect on that date, and

(b) shall specify the period within which any steps are required to be taken and may specify different periods for different steps,

and, where different periods apply to different steps, references in this Part of this Act to the period for compliance with a listed building enforcement notice, in relation to any step, are to the period within which the step is required to be taken."

Commencement Information

I319 Sch. 10 para. 4 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 26/03/1992

5 For section 92(5) of that Act (withdrawal of notices) there is substituted—

"(5) The planning authority may—

(a) withdraw a listed building enforcement notice (without prejudice to their power to issue another); or

(b) waive or relax any requirement of such a notice and, in particular, may extend the period specified in accordance with section 92(4) of this Act,

and the powers conferred by this subsection may be exercised whether or not the notice has taken effect.

(5A) The planning authority shall, immediately after exercising the powers conferred by subsection (5), give notice of the exercise to every person who has been served with a copy of the listed building enforcement notice or would, if the notice were re-issued, be served with a copy of it".

Commencement Information

I320 Sch. 10 para. 5 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 26/03/1992

6 (1) Section 93 (appeals) is amended as follows.

(2) In subsection (1)—

(a) for paragraph (b) there is substituted—

"(b) that the matters alleged to constitute a contravention of section 53(1) or (4) of this Act have not occurred;

(ba) that those matters (if they occurred) do not constitute such a contravention;"; and

(b) paragraph (k) is omitted.

(3) For subsection (2) of that section there is substituted—

"(2) An appeal under this section shall be made either—

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the listed building enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date."

(4) In subsection (4) (power to correct notice on appeal), for paragraph (a) there is substituted—

"(a) the Secretary of State may—

(i) correct any defect, error or misdescription in the listed building enforcement notice; or

(ii) vary the terms of the listed building enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority."

(5) In subsection (5), the words "or for varying the terms of the notice in favour of the appellant" are omitted.

Commencement Information

I321 Sch. 10 para. 6 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 26/03/1992

7 For section 94 (penalties for non-compliance with listed building enforcement notice) there is substituted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**94 Offence where listed building enforcement notice not complied with.**

(1) Where, after the end of the period for compliance with the notice, any step required by a listed building enforcement notice to be taken has not been taken, the person who is for the time being owner of the land is in breach of the duty under this subsection.

(2) If at any time the owner of the land is in breach of a listed building enforcement notice he shall be guilty of an offence.

(3) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.

(4) In proceedings against any person for an offence under this section, it shall be a defence for him to show—

(a) that he did everything he could be expected to do to secure that all the steps required by the notice were taken; or

(b) that he was not served with a copy of the listed building enforcement notice and was not aware of its existence.

(5) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000; and

(b) on conviction on indictment, to a fine.

(6) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence."

Commencement Information

I322 Sch. 10 para. 7 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 26/03/1992

8 In section 95 (execution and cost of works required by listed building enforcement notice), at the end there is inserted—

"(4) Any person who wilfully obstructs a person acting in the exercise of powers under subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I323 Sch. 10 para. 8 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 18/02/1993

9 (1) In section 97B (power to issue hazardous substances contravention notice)—

(a) in subsection (3)(b) after "remedy" there is inserted " wholly or partly ", and

(b) in subsection (8) after "before" there is inserted " or after ", and

(c) at the end of subsection (9) there is inserted " or would, if the notice were re-issued, be served with a copy of it ".

Commencement Information

I324 Sch. 10 para. 9 wholly in force at 18.2.1993 see s. 57 and S.I. 1993/275, **art. 2**

VALID FROM 26/03/1992

10 After section 97A there is inserted—

"**97AB Further provision as to rights of entry in relation to listed buildings.**

(1) The provisions of this section and of section 97AC of this Act shall apply, in place of the provisions of section 266 of this Act, to rights of entry exercised under section 265 of this Act in relation to listed buildings and listed buildings control.

(2) If the sheriff is satisfied—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 265 of this Act; and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

he may issue a warrant authorising any person duly authorised in writing to enter the land.

(3) For the purposes of subsection (2)(b)(i) of this section admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(4) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) at a reasonable hour, unless the case is one of urgency.

97AC Rights of entry in relation to listed buildings: supplementary provisions.

(1) Subject to subsection (2) of this section, a person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of section 265 or 97AB of this Act (referred to in this section as "a right of entry"),—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(2) Admission to any land which is occupied shall not be demanded as of right by virtue of section 265 of this section unless 24 hours' notice of the intended entry has been given to the occupier of the land.

(3) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any damage is caused to land or moveable property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State; and section 168 of this Act shall apply in relation to compensation under this subsection as it applies in relation to compensation under Part VIII of this Act.

(5) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(6) Subsection (5) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(7) A person who is guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(8) No person shall carry out any works in exercise of a power conferred under section 97 of this Act unless notice of his intention to do so was included in the notice required by subsection (2) of this section.

(9) The authority of the appropriate Minister shall be required for the carrying out of works in exercise of a power conferred under section 97 of this Act if—

(a) the land in question is held by statutory undertakers; and

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.

(10) Section 213(1) of this Act applies for the purposes of subsection (9) of this section as it applies for the purposes of section 266(6)(b) of this Act."

Commencement Information

I325 Sch. 10 para. 10 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 01/05/1993

11 After section 97B there is inserted—

"**97BA Variation of hazardous substances contravention notices.**

(1) A planning authority may waive or relax any requirement of a hazardous substances contravention notice issued by them and, in particular, may extend any period specified in accordance with section 97B(5)(b) of this Act in the notice.

(2) The powers conferred by subsection (1) of this section may be exercised before or after the notice takes effect.

(3) The planning authority shall, immediately after exercising those powers, give notice of the exercise to every person who has been served with a copy of the hazardous substances contravention notice or would, if the notice were re-issued, be served with a copy of it.

97BB Further provision as to rights of entry in relation to hazardous substances control.

(1) The provisions of this section and of section 97BC of this Act apply, in place of the provisions of section 266 of this Act, to rights of entry exercised under section 265 of this Act in relation to applications for hazardous substances consent and hazardous substances control.

(2) If the sheriff is satisfied—

(a) that there are reasonable grounds for entering any land for any of the purposes mentioned in section 265 of this Act; and

(b) that—

(i) admission to the land has been refused, or a refusal is reasonably apprehended; or

(ii) the case is one of urgency,

he may issue a warrant authorising any person duly authorised in writing to enter the land.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) For the purposes of subsection (2)(b)(i) of this section admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

(a) within one month from the date of the issue of the warrant; and

(b) at a reasonable hour, unless the case is one of urgency.

97BC Rights of entry in relation to hazardous substances control: supplementary provisions.

(1) A person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of section 265 or 97BB of this Act (referred to in this section as "a right of entry")—

(a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;

(b) may take with him such other persons as may be necessary; and

(c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any damage is caused to land or moveable property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State; and section 168 of this Act shall apply in relation to compensation under this subsection as it applies in relation to compensation under Part VIII of this Act.

(4) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(5) Subsection (4) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(6) A person who is guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(7) The authority of the appropriate Minister shall be required for the carrying out of works in exercise of a power conferred under section 265(8) of this Act if—

(a) the land in question is held by statutory undertakers; and

(b) they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) Section 213(1) of this Act applies for the purposes of subsection (7) of this section as it applies for the purposes of section 266(6)(b) of this Act.”

Commencement Information

I326 Sch. 10 para. 11 wholly in force at 1.5.1993 see s. 57 and S.I. 1993/275, **art. 3**

VALID FROM 26/03/1992

12 In section 265 (rights of entry)—

(a) in subsection (2), for “thereon" there is substituted “ on that or any other land ”; and

(b) in subsection (3), for “the land" there is substituted “ that or any other land ”.

Commencement Information

I327 Sch. 10 para. 12 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

VALID FROM 26/03/1992

Local Government, Planning and Land Act 1980 (c. 65)

13 In Part I of Schedule 30 to the Local Government, Planning and Land Act 1980, the following is inserted at the appropriate place among the provisions there listed: 97AB.

Commencement Information

I328 Sch. 10 para. 13 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, **arts. 4**, 5.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/08/1995

SCHEDULE 11

Section 59.

SIMPLIFIED PLANNING ZONES - SCOTLAND

Modifications etc. (not altering text)
C34 Sch. 11 restricted (30.8.1995) by S.I. 1995/2045, **art.4**

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SCHEDULE 12

Section 60.

PLANNING COMPENSATION REPEALS: MINOR AND CONSEQUENTIAL AMENDMENTS - SCOTLAND

Commencement Information
I329 Sch. 12 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

Land Compensation (Scotland) Act 1963 (c.51)

1 In section 23 of the Land Compensation (Scotland) Act 1963 (assumptions not directly derived from development plans)—

(a) for subsection (3) there is substituted—

"(3) Subject to subsection (4) of this section, it shall be assumed that, in respect of the relevant land or any part of it, planning permission would be granted—

(a) subject to the condition set out in Schedule 16 to the Town and Country Planning (Scotland) Act 1972, for any development of a class specified in paragraph 1 of Schedule 6 to that Act; and

(b) for any development of a class specified in paragraph 2 of Schedule 6 to that Act."; and

(b) in subsection (4), paragraphs (a) and (b) are omitted.

(2) This paragraph shall have effect, or be treated as having had effect, in relation to compensation which fell or falls to be assessed by reference to prices current on 16th November 1990 or on any subsequent date.

Commencement Information
I330 Sch. 12 para. 1 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Gas Act 1965 (c. 36)

2 In Schedule 3 to the Gas Act 1965, paragraph 3 is omitted.

Commencement Information
I331 Sch. 12 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Public Expenditure and Receipts Act 1968 (c.14)

3 In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees) in paragraph 7, sub-paragraph (a) is omitted.

Commencement Information
I332 Sch. 12 para. 3 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Post Office Act 1969 (c.48)

4 In Schedule 9 to the Post Office Act 1969 (transitional provisions) in paragraph 27(7) for "Parts VII and XII of the Town and Country Planning (Scotland) Act 1972" there is substituted " Part XII of the Town and Country Planning (Scotland) Act 1972 ".

Commencement Information
I333 Sch. 12 para. 4 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Land Compensation (Scotland) Act 1973 (c. 56)

5 (1) In section 5 of the Land Compensation (Scotland) Act 1973 (assessment of compensation: assumptions as to planning permission)—

(a) for subsection (2) there is substituted—

"(3) Subject to subsection (3) below, it shall be assumed that, in respect of the land in which the interest subsists ("the relevant land") or any part of it, planning permission would be granted—

(a) subject to the condition set out in Schedule 16 to the Town and Country Planning (Scotland) Act 1972, for any development of a class specified in paragraph 1 of Schedule 6 to that Act; and

(b) for any development of a class specified in paragraph 2 of Schedule 6 to that Act."; and

(b) in subsection (3), paragraphs (a) and (b) are omitted.

(2) This paragraph shall have effect, or be treated as having had effect, where the relevant date for the purposes of Part I of the Land Compensation (Scotland) Act 1973 fell or falls on or after 16th November 1990.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I334 Sch. 12 para. 5 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

The 1972 Act

6 The 1972 Act is amended as follows.

Commencement Information
I335 Sch. 12 para. 6 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

7 In section 19 (meaning of “development" and “new development") subsection (5) (meaning of new development) is omitted.

Commencement Information
I336 Sch. 12 para. 7 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

8 Sections 35 and 36 (review of planning decisions where compensation claimed) are omitted.

Modifications etc. (not altering text)
C35 Sch. 12 para. 8 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt.II para. 2(1)**

Commencement Information
I337 Sch. 12 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

9 In section 37(2) (development with Government authorisation) for “Parts VII and" there is substituted “ Part ”.

Modifications etc. (not altering text)
C36 Sch. 12 para. 9 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt.II para. 2(1)**

Commencement Information
I338 Sch. 12 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

10 In section 40(3) (date when development is begun), for paragraph (b) there is substituted—

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(b) development of a class specified in paragraph 1 or 2 of Schedule 6 to this Act;".

Commencement Information
I339 Sch. 12 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

11 In section 56G (deemed hazardous substances consent by virtue of authorisation of government department), in subsection (3) for "Parts VII and XII" there is substituted " Part XII ".

Commencement Information
I340 Sch. 12 para. 11 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

12 In section 58(2)(a) (tree preservation orders) "35, 36" is omitted.

Commencement Information
I341 Sch. 12 para. 12 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

13 In section 106 (compensation on compulsory acquisition of listed building) the words from "other than" to the end are omitted.

Commencement Information
I342 Sch. 12 para. 13 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

14 (1) In section 153(4) (compensation where planning permission modified or revoked) for "for development of the land of any class specified in Schedule 6 to this Act" there is substituted "—

(a) subject to the condition set out in Schedule 16, for any development of a class specified in paragraph 1 of Schedule 6;

(b) for any development of a class specified in paragraph 2 of Schedule 6."

(2) This paragraph shall have effect, or be treated as having had effect, in relation to claims made on or after 16th November 1990.

Commencement Information
I343 Sch. 12 para. 14 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

15 In section 155 (recording and apportionment of compensation for depreciation)—

(a) for subsection (3) there is substituted—

"(3) Regulations under this Act shall make provision—

(a) for enabling the claimant or any other person to whom notice of the planning authority's apportionment has been given in accordance with subsection (1) of this section, or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require it to be referred to the Lands Tribunal;

(b) for enabling the claimant and any other person mentioned in paragraph (a) of this subsection to be heard by the Tribunal on any reference under this section of that apportionment; and

(c) for requiring the Tribunal, on any such reference, either to confirm or vary the apportionment and to notify the parties of the decision.";

(b) in subsection (5), the words from "and subsection (5)" to the end are omitted;

(c) after subsection (5) there is inserted—

"(5A) In relation to compensation for depreciation specified in a notice recorded or, as the case may be, registered under the preceding provisions of this section, references in this Part of this Act to so much of the compensation as is attributable to a part of the land to which the notice relates shall be construed in accordance with the following provisions, that is to say—

(a) if the notice does not include an apportionment under the preceding provisions of this section, the amount of the compensation shall be treated as distributed rateably according to area over the land to which the notice relates;

(b) if the notice includes such an apportionment, the compensation shall be treated as distributed in accordance with that apportionment as between the different parts of the land by reference to which the apportionment is made; and so much of the compensation as, in accordance with the apportionment, is attributed to a part of the land shall be treated as distributed rateably according to area over that part of the land."; and

(d) in subsection (6), "and in section 156 of this Act" is omitted.

Modifications etc. (not altering text)

C37 Sch. 12 para. 15(d) restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt.II para. 2(2)**

Commencement Information

I344 Sch. 12 para. 15 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

16 Section 156 (contribution by Secretary of State towards compensation in certain cases) is omitted.

Modifications etc. (not altering text)
C38 Sch. 12 para. 16 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 2(2)**

Commencement Information
I345 Sch. 12 para. 16 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

17 Before section 157 there is inserted—

Recovery of compensation on subsequent development.

"156A(1) No person shall carry out any development to which this section applies, on land in respect of which a notice (hereafter in this Part of this Act referred to as a "compensation notice") is recorded or, as the case may be, registered under section 155(5) of this Act, until such amount, if any, as is recoverable under this section in respect of the compensation specified in the notice has been paid or secured to the satisfaction of the Secretary of State.

(2) Subject to the following provisions of this section, this section applies to any development—

(a) which is development of a residential, commercial or industrial character and consists wholly or mainly of the construction of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination thereof; or

(b) which consists in the winning and working of minerals; or

(c) to which, having regard to the probable value of the development, it is in the opinion of the Secretary of State reasonable that this section should apply.

(3) This section shall not apply to any development by virtue of subsection (2)(c) of this section if, on an application made to him for the purpose, the Secretary of State has certified that, having regard to the probable value of the development, it is not in his opinion reasonable that this section should apply thereto.

(4) Where the compensation specified in the compensation notice became payable in respect of the imposition of conditions on the granting of permission to develop land, this section shall not apply to the development for which that permission was granted.

(5) This section does not apply to any development—

(a) of a class specified in paragraph 1 of Schedule 6 which is carried out in accordance with the condition set out in Schedule 16; or

(b) of a class specified in paragraph 2 of Schedule 6.

(6) This section does not apply in a case where the compensation under section 153 of this Act specified in a compensation notice became payable

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in respect of an order modifying planning permission, and the development is in accordance with that permission as modified by that order.

Amount recoverable, and provisions for payment or remission thereof.

156B(1) Subject to the following provisions of this section, the amount recoverable under section 156A of this Act in respect of the compensation specified in a compensation notice—

(a) if the land on which the development is to be carried out (in this subsection referred to as "the development area") is identical with, or includes (with other land) the whole of, the land comprised in the compensation notice, shall be the amount of compensation specified in that notice;

(b) if the development area forms part of the land comprised in the compensation notice, or includes part of that land together with other land not comprised in that notice, shall be so much of the amount of the compensation specified in that notice as is attributable to land comprised in that notice and falling within the development area.

(2) Where, in the case of any land in respect of which a compensation notice has been recorded, the Secretary of State is satisfied, having regard to the probable value of any proper development of that land, that no such development is likely to be carried out unless he exercises his powers under this subsection, he may, in the case of any particular development, remit the whole or any part of any amount otherwise recoverable under section 156A of this Act.

(3) Where, in connection with the development of any land, an amount becomes recoverable under section 156A of this Act in respect of the compensation specified in a compensation notice, then, except where, and to the extent that, payment of that amount has been remitted under subsection (2) of this section, no amount shall be recoverable under section 156A of this Act in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development thereof.

(4) No amount shall be recoverable under section 156A of this Act in respect of any compensation by reference to which a sum has become recoverable by the Secretary of State under section 244 of this Act.

(5) An amount recoverable under section 156A of this Act in respect of any compensation shall be payable to the Secretary of State, and

(a) shall be so payable either as a single capital payment or as a series of instalments of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Secretary of State may direct, after taking into account any representations made by the person by whom the development is to be carried out; and

(b) except where the amount is payable as a single capital payment, shall be secured by that person to the satisfaction of the Secretary of State (whether by heritable or other security, personal bond or otherwise).

(6) If any person initiates any development to which section 156A applies in contravention of subsection (1) of that section, the Secretary of State may serve a notice on him specifying the amount appearing to the Secretary

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of State to be the amount recoverable under that section in respect of the compensation in question, and requiring him to pay that amount to the Secretary of State within such period, not being less than three months after the service of the notice, as may be specified in the notice.

(7) Where, after a compensation notice in respect of any land has been recorded or, as the case may be, registered, any amount recoverable under this section in respect of the compensation specified in the notice, or any part of such amount, has been paid to the Secretary of State, or circumstances arise under which by virtue of any provision of this Act no amount is so recoverable in respect of the land specified in the notice or any part of that land, the Secretary of State shall cause to be recorded in the appropriate Register of Sasines or, as the case may be, registered in the Land Register of Scotland, a notice of that fact, specifying the land to which such fact relates, and, in the case of any notice of the fact that part only of such amount has been so paid, stating whether the balance has been secured to the satisfaction of the Secretary of State or has been remitted by him under subsection (2) of this section, and shall send a copy thereof to the planning authority.”

Commencement Information
I346 Sch. 12 para. 17 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

18 In section 157 (recovery, on subsequent development, of compensation under section 153)—

(a) subsection (1) is omitted;

(b) in subsection (2), for “section 148 of this Act, as applied by subsection (1) of this section" there is substituted “ section 156A of this Act ”;

(c) in subsection (3)—

(i) paragraph (a) is omitted; and

(ii) in the proviso, “paragraph (a) or" is omitted; and

(d) subsection (4) is omitted.

Commencement Information
I347 Sch. 12 para. 18 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

19 In section 169 (purchase notice on refusal or conditional grant of planning permission)—

(a) in subsection (2), for the words from “no account shall be taken" to the end there is substituted “ no account shall be taken of any prospective development other than any development specified in paragraph 1 or 2 of Schedule 6 to this Act. ”; and

(b) subsection (3) is omitted.

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Commencement Information
I348 Sch. 12 para. 19 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

20 In section 176 (special provisions as to compensation where purchase notice served) —

(a) in subsection (2), for "existing use value" there is substituted " Schedule 6 value "; and

(b) in subsection (5), for the definition of "existing use value" there is substituted—

> ""Schedule 6 value", in relation to such an interest, means the value of that interest calculated on the assumption that planning permission would be granted—
>
> (a) subject to the conditions set out in Schedule 16, for any development of a class specified in paragraph 1 of Schedule 6; and
>
> (b) for any development of a class specified in paragraph 2 of Schedule 6."

Commencement Information
I349 Sch. 12 para. 20 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

21 In section 179(2) (purchase notice on refusal or conditional grant of listed building consent) for "new development" there is substituted " development (other than any development specified in paragraph 1 or 2 of Schedule 6 to this Act) ".

Commencement Information
I350 Sch. 12 para. 21 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

22 In section 231(3) (validity of orders etc.), paragraph (c) is omitted.

Commencement Information
I351 Sch. 12 para. 22 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

23 In section 244 (recovery from acquiring authorities of sums paid by way of compensation)—

(a) in subsection (1), for "147(5)" there is substituted " 155(5A) "; and

(b) in subsection (2), the words from "subsection (4)" to "applied by" are omitted.

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Commencement Information
I352 Sch. 12 para. 23 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

24 Section 245 (recovery from acquiring authorities of sums paid in respect of war-damaged land) is omitted.

Commencement Information
I353 Sch. 12 para. 24 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

25 In section 246 (sums recoverable from acquiring authorities reckonable for purposes of grant), “or 245" is omitted.

Commencement Information
I354 Sch. 12 para. 25 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

26 In section 247 (expenses of government departments), in subsection (1)(b) “Part VII or" is omitted.

Modifications etc. (not altering text)
C39 Sch. 12 para. 26 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 2(1)**

Commencement Information
I355 Sch. 12 para. 26 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

27 Section 248 (payments under section 56 of Act of 1947 and Parts I and V of Act of 1954) is omitted.

Modifications etc. (not altering text)
C40 Sch. 12 para. 27 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 2(1)**

Commencement Information
I356 Sch. 12 para. 27 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

28 In section 249 (general provision as to receipts of Secretary of State), “Without prejudice to section 248 of this Act, and" is omitted.

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Commencement Information
I357 Sch. 12 para. 28 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

29 For subsection (1) of section 255 (supplementary provisions as to Crown interest), there is substituted—

"(1) Subject to subsection (2) of this section, where there is a Crown interest in any land, the provisions of sections 155 to 157 of this Act, and the provisions of Schedule 22 to this Act in so far as they relate to those sections, shall have effect in relation to any private interest as if the Crown interest were a private interest."

Commencement Information
I358 Sch. 12 para. 29 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

30 Sections 263 (assumptions as to planning permission in determining value of interests in land) and 264 (recovery, on subsequent development, of payments in respect of war-damaged land) are omitted.

Commencement Information
I359 Sch. 12 para. 30 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

31 In section 275 (interpretation), in subsection (1), the definitions of "new development" and "previous apportionment" are omitted.

Modifications etc. (not altering text)
C41 Sch. 12 para. 31 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 2(1)**

Commencement Information
I360 Sch. 12 para. 31 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

32 In Schedule 6 (development not constituting new development)—

(a) paragraphs 3 to 9 and 12 are omitted; and

(b) in paragraph 14, for sub-paragraph (2) there is substituted—

"(2) This paragraph does not apply for the purposes of sections 157 and 169 of this Act."

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I361 Sch. 12 para. 32 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

33 In Schedule 19 (provisions referred to in sections 250, 251 etc.), in Part I, the entry relating to section 158 is omitted.

Commencement Information
I362 Sch. 12 para. 33 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Civil Aviation Act 1982 (c. 16)

34 In section 53(1)(a) of the Civil Aviation Act 1982 "158," is omitted.

Commencement Information
I363 Sch. 12 para. 34 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Airports Act 1986 (c.31)

35 In section 61(1)(a) of the Airports Act 1986 "158," is omitted.

Commencement Information
I364 Sch. 12 para. 35 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

SCHEDULE 13

Section 61.

PLANNING IN SCOTLAND: MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 25/09/1992

Agricultural Land (Removal of Surface Soil) Act 1953 (c.10.)

1 For section 4 (application to Scotland) of the Agricultural Land (Removal of Surface Soil) Act 1953 there is substituted—

"**4** In the application of this Act to Scotland, for the references to the Town and Country Planning Act 1990, to Part III of that Act, and to section 192 of that Act, there shall be substituted references to the Town and Country Planning (Scotland) Act 1972, to Part III of that Act, and to section 90A of that Act.".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I365 Sch. 13 para. 1 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

The 1972 Act

2 The 1972 Act is amended as follows.

Commencement Information

I366 Sch. 13 para. 2 in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

VALID FROM 07/03/1994

3 In subsection (3)(a) of section 5 (preparation of structure plans), after "measures for" there is inserted " the conservation of the natural beauty and amenity of the land, ".

VALID FROM 07/03/1994

4 In subsection (3)(a) of section 9 (preparation of local plans), after "fit for" there is inserted " the conservation of the natural beauty and amenity of the land, ".

5 For subsections (1) to (3) of section 21 (development orders) there is substituted—

"(1) The Secretary of State shall by regulations under this Act or by order provide for the granting of planning permission.

(2) An order under this section (in this Act referred to as a "development order") may itself grant planning permission for development specified in the order, or for development of any class so specified, and may be made either—

(a) as a general order applicable, except so far as it otherwise provides, to all land, but which may make different provision with respect to different descriptions of land; or

(b) as a special order applicable only to such land or descriptions of land as may be specified in the order.

(3) In respect of development for which planning permission is not granted by a development order, regulations under this Act or an order may provide for the granting of planning permission by the planning authority (or, in the cases hereinafter provided for, by the Secretary of State) on an application in

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that behalf made to the planning authority in accordance with the regulations or the order."

Commencement Information
I367 Sch. 13 para. 5 in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

6 In section 23 (publication of notices of applications—

(a) in subsection (1) before the words "a development order" there is inserted " regulations under this Act or ";

(b) at the end there is inserted—

"(4) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.

(5) Proceedings for an offence under this section may be brought at any time within the period of two years following the commission of the offence."

Commencement Information
I368 Sch. 13 para. 6 in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

7 In section 28 (directions, etc. as to method of dealing with applications)—

(a) in subsection (1)—

(i) the words "Subject to the provisions of section 26(2) to (5) of this Act," are omitted;

(ii) before the words "a development order" there is inserted " regulations under this Act or "; and

(iii) for the words "the order", in each place where they occur, there is substituted " such regulations or the order "; and

(b) in subsection (2) of that section, before the words "a development order" there is inserted " regulations under this Act or ".

Commencement Information
I369 Sch. 13 para. 7 wholly in force: Sch. 13 para. 7(a)(i) not in force at Royal Assent; para. 7(a)(ii)(iii), 7(b) in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**. Para. 7(a)(i) in force at 3.2.1995 by S.I. 1994/3292, **art. 3**

VALID FROM 26/03/1992

8 For section 29 there is substituted—

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"**29 Planning permission for development already carried out.**

(1) On an application made to a planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.

(2) Subsection (1) of this section applies to development carried out—

(a) without planning permission;

(b) in accordance with planning permission granted for a limited period; or

(c) without complying with some condition subject to which planning permission was granted.

(3) Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out; or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.".

Commencement Information

I370 Sch. 13 para. 8 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

9 In section 31 (information regarding, and registers of, applications and decisions)—

(a) for the words "A development order" in both places where they occur, there is substituted " Regulations under this Act or a development order ";

(b) for the words "the order" in both places where they occur, there is substituted " such regulations or the order "; and

(c) for the words "by a development order", in both places where they occur, there is substituted " by such regulations or the order ".

Commencement Information

I371 Sch. 13 para. 9 in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

VALID FROM 26/03/1992

10 In subsection (4) of section 32 (reference of applications to Secretary of State)—

(a) for the words from "23" to "28A" there is substituted " 26(1) to (3A), 27(1), 27A, 28A and 29 "; and

(b) at the end there is inserted " and regulations under this Act or a development order may apply, with or without modifications, to an application so referred any requirements imposed by such regulations or such an order by virtue of section 23 or 24 of this Act. ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I372 Sch. 13 para. 10 partly in force; para. 10 not in force at Royal Assent see s. 84(2); para. 10(a) in force at 26.3.1992 to a certain extent by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.) paras. 10(a)(b) in force insofar as not already in force at 3.2.1995 by S.I. 1994/3292 art. 3

11 In section 33 (appeals against planning decisions)—

(a) in subsection (2), before the words "a development order" there is inserted " regulations under this Act or ";

(b) in subsection (5)—

(i) "23, 24" is omitted;

(ii) for "26(1) and (3)" there is substituted " 26(1) to (3A) ";

(iii) for "and 27A" there is substituted " , 27A and 29 "; and

(iv) at the end there is inserted " and regulations under this Act or a development order may apply, with or without modifications, to such an appeal any requirements imposed by regulations or such an order by virtue of section 23 or 24 of this Act "; and

(c) in subsection (7)—

(i) for the words "and of the development order" there is substituted " , any regulations made under this Act in that regard and of any development order "; and

(ii) for the words "under that order" there is substituted " under such regulations or such order ".

Commencement Information

I373 Sch. 13 para. 11 partly in force: para. 11 not in force at Royal Assent see s. 84(2); para. 11(a)(c) in force at 25.09.1991 by S.I. 1991/2092, **art. 3**; para. 11(b)(iii) in force at 26.3.1992 by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.) para. 11(b)(i)(ii)(iv) in force at 3.2.1995 by S.I. 1994/3292, **art. 3**

12 In section 34 (appeal in default of planning decision), for the words "the development order", in both places where they occur, there is substituted " regulations under this Act or a development order ".

Commencement Information

I374 Sch. 13 para. 12 in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

VALID FROM 26/03/1992

13 In subsection (3)(c) of section 38 (limit of duration of planning permission), for the words from "granted" to the end there is substituted " for any development carried out before the grant of planning permission ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I375 Sch. 13 para. 13 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

14 In section 39 (outline planning permission), before the words "a development order" there is inserted " regulations under this Act or ".

Commencement Information

I376 Sch. 13 para. 14 in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

VALID FROM 03/02/1995

15 In subsection (2) of section 40 (provision as to date when development begun), after paragraph (a) there is inserted—

"(aa) any work of demolition of a building;".

VALID FROM 26/03/1992

16 In section 49 (orders requiring discontinuance of use etc.), for subsection (3) there is substituted—

"(3) The planning permission which may be granted by an order under this section includes planning permission, subject to such conditions as may be specified in the order, for development carried out before the date on which the order was submitted to the Secretary of State under this section.

(3A) Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out; or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period."

Commencement Information

I377 Sch. 13 para. 16 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 25/09/1992

17 Section 51 is omitted.

Commencement Information

I378 Sch. 13 para. 17 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 25/09/1992

18 In subsection (3) of section 55 (acts causing or likely to result in damage to listed buildings), for "£40" there is substituted " one-tenth of level 3 on the standard scale ".

Commencement Information

I379 Sch. 13 para. 18 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 26/03/1992

19 In section 84A (power of regional planning authority to take enforcement action) in subsection (2) for the words "84 (except subsection (1))," there is substituted " 83A, 83B, 84 (except subsection (1)), 84AA, 84AB, ".

Commencement Information

I380 Sch. 13 para. 19 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

VALID FROM 26/03/1992

20 In section 85 (appeal against enforcement notice)—

(a) in subsection (2B)(d) for the words from "being" to "situated" there is substituted " to such persons as may be specified ";

(b) in subsection (4)—

(i) for paragraph (a) there is substituted—

"(a) the Secretary of State may—

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) correct any defect, error or misdescription in the enforcement notice; or

(ii) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the planning authority;"; and

(ii) in paragraph (b) for "84(5)" there is substituted " 84(2) "; and

(c) in subsection (5)—

(i) "or for varying the terms of the notice in favour of the appellant" is omitted; and

(ii) for paragraphs (a) to (b) there is substituted—

"(a) grant planning permission in respect of any of the matters stated in the enforcement notice as constituting a breach of planning control or any of those matters so far as relating to part of the land to which the notice relates;

(b) discharge any condition or limitation subject to which planning permission was granted;

(c) grant planning permission for such other development on the land to which the enforcement notice relates as appears to him to be appropriate; and

(d) determine whether on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which the permission was granted was lawful and, if so, issue a certificate under section 90 of this Act."

(d) after subsection (5) there is inserted—

"(5A) The provisions of sections 90 to 90C of this Act mentioned in subsection (5B) of this section shall apply for the purposes of subsection (5)(d) of this section as they apply for the purposes of section 90 of this Act, but as if—

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

(b) references to the planning authority were references to the Secretary of State.

(5B) Those provisions are: sections 90(5) to (7), 90B(4) (so far as it relates to the form of the certificate), (6) and (7) and 90C.";

(e) in subsection (6), for the words from "and any planning permission" to the end there is substituted—

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"(6A) The planning permission which may be granted under subsection (5) of this section is any planning permission which might be granted on an application under Part III of this Act.

(6B) Where the Secretary of State discharges a condition or limitation under subsection (5) of this section, he may substitute for it any other condition or limitation.";

(f) in subsection (7), for "for the development to which the notice relates" there is substituted " in respect of the matters stated in the enforcement notice as constituting a breach of planning control "; and

(g) subsection (11) is omitted.

Commencement Information

I381 Sch. 13 para. 20 wholly in force; para. 20 not in force at Royal Assent see s. 84(2); para. 20(a)(b)(e)-(g) wholly in force and para. 20(c) in force to a certain extent at 26.3.1992 by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.); para. 20 in force at 25.9.1992 in so far as not already in force by S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 26/03/1992

21 In section 87 (stop notices)—

(a) in subsection (4)(c), for "84(7)(c)" there is substituted " 84AA(9) ";

(b) in subsection (5), for the words "activity prohibited by the stop notice" there is substituted " relevant activity ";

(c) in subsection (6) for the words "activities which constitute or involve the breach of planning control alleged" there is substituted " the relevant activity specified "; and

(d) in subsection (9), for "84(5)" there is substituted " 84 ".

Commencement Information

I382 Sch. 13 para. 21 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

VALID FROM 10/08/1992

22 In subsection (1) of section 87A (register of various notices), for the words "waste land notices" there is substituted " notices under section 63 of this Act " and after "enforcement notices" there is inserted " , breach of condition notices ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I383 Sch. 13 para. 22 wholly in force at 10.8.1992 see s. 84(2) and S.I. 1992/1937, **art. 3**

VALID FROM 26/03/1992

23 In subsection (2) of section 88 (execution and cost of works required by enforcement notice), "(as defined in section 84(2) of this Act)" is omitted.

Commencement Information

I384 Sch. 13 para. 23 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

VALID FROM 26/03/1992

24 In section 89 (enforcement notice to have effect against subsequent development)—

(a) in subsection (1), for "demolition" there is substituted " removal "; and

(b) in subsections (3) and (4) for "demolished" in each place where it occurs there is substituted " removed ".

Commencement Information

I385 Sch. 13 para. 24 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

VALID FROM 26/03/1992

25 For section 89A there is substituted—

"**89A Effect of planning permission, etc., on enforcement or breach of condition notice.**

(1) Where, after the service of—

(a) a copy of an enforcement notice; or

(b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Where, after a breach of condition notice has been served, any condition to which the notice relates is discharged, the notice shall cease to have effect so far as it requires any person to secure compliance with the condition in question.

(3) The fact that an enforcement notice or breach of condition notice has wholly or partly ceased to have effect by virtue of this section shall not affect the liability of any person for an offence in respect of a previous failure to comply, or secure compliance, with the notice."

Commencement Information

I386 Sch. 13 para. 25 wholly in force; para. 25 not in force at Royal Assent see s. 84(2); para. 25 in force at 26.3.1992 to a certain extent by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.); para. 25 in force at 25.9.1992 in so far as not already in force by S.I. 1992/1937 (subject to art. 5 of that S.I.).

VALID FROM 25/09/1992

26 In section 91 (grant of certificate by Secretary of State on referred application or appeal against refusal)—

(a) for "an established use certificate" in subsection (2) there is substituted " a certificate under section 90 or 90A ";

(b) subsections (3) and (5) are omitted; and

(c) at the end there is inserted—

"(7) Where the Secretary of State or a person appointed by him under Schedule 7 to this Act to determine an appeal grants a certificate under section 90 or 90A of this Act, the Secretary of State or that person shall give notice to the planning authority of that fact."

Commencement Information

I387 Sch. 13 para. 26 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 26/03/1992

27 In subsection (2) of section 101 (enforcement of control as to advertisements), for "£40" there is substituted " one-tenth of level 3 on the standard scale ".

Commencement Information

I388 Sch. 13 para. 27 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

28 In subsection (1) of section 145 (determination of claims)—

(a) the words "this Part of", in both places where they occur, are omitted; and

(b) at the end there is inserted—

"(d) for requiring the Secretary of State to pay any compensation determined under this section to the person entitled thereto."

Commencement Information

I389 Sch. 13 para. 28 in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

VALID FROM 26/03/1992

29 In subsection (1) of section 166 (compensation for loss due to stop notice)—

(a) for the words "in any of the circumstances mentioned in subsection (2) of this section" there is substituted " subject to the provisions of this section, "; and

(b) at the end there is inserted " or, in a case to which subsection (2)(b) of this section applies, the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities ".

Commencement Information

I390 Sch. 13 para. 29 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

VALID FROM 26/03/1992

30 In subsection (2) of that section—

(a) for paragraphs (a) and (b) there is substituted—

"(a) the enforcement notice is quashed on grounds other than those mentioned in paragraph (a) of section 85(1) of this Act;

(b) the enforcement notice is varied (otherwise than on the grounds mentioned in that paragraph) so that any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity within the meaning of section 87(2) of this Act;" and

(b) in paragraph (c) the words from "or for its retention" to "granted" are omitted.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I391 Sch. 13 para. 30 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

VALID FROM 25/09/1992

31 In subsection (5) of section 201 (order extinguishing right to use vehicles on highway), the definition of "lawful access" is omitted.

Commencement Information

I392 Sch. 13 para. 31 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 25/09/1992

32 Section 214(3) is omitted.

Commencement Information

I393 Sch. 13 para. 32 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 25/09/1992

33 In subsection (3)(g) of section 231 (validity of development plans and certain orders, decisions and directions), for the words "an established use certificate" there is substituted " a certificate under section 90 or 90A of this Act ".

Commencement Information

I394 Sch. 13 para. 33 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 25/09/1992

34 Section 234 is omitted.

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Commencement Information

I395 Sch. 13 para. 34 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 26/03/1992

35 In section 242(2)(b) for "sections 97" there is substituted " sections 91A, 91B, 97 ".

Commencement Information

I396 Sch. 13 para. 35 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

36 In subsection (1)(b) of section 247 (expenses of government departments), for "Part VII" there is substituted " section 145 ".

Modifications etc. (not altering text)

C42 Sch. 13 para. 36 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 3**

Commencement Information

I397 Sch. 13 para. 36 in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

VALID FROM 26/03/1992

37 In section 253 (exercise of powers in relation to Crown land), in subsection (2)(a) for "84" there is substituted " 83C, 84, 84AB, 87, 87AA ".

Commencement Information

I398 Sch. 13 para. 37 wholly in force; para. 37 not in force at Royal Assent see s. 84(2); para. 37 in force at 26.3.1992 to a certain extent by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.); para. 37 in force at 25.9.1992 in so far as not already in force by S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

38 In section 265 (rights of entry)—

(a) in subsection (1)(b)—

(i) "58 or" is omitted; and

(ii) for the words "either of those sections" there is substituted " section 61 ";

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(b) in subsection (1)(c)—

(i) after "Part IV" there is inserted " other than sections 58 to 60 "; and

(ii) for the words "Part V" there is substituted " sections 92 to 97BC and 101 ";

(c) subsection (2A)(a) is omitted;

(d) in subsection (4)(b), "or 99" is omitted;

(e) in subsection (5) "Part VII of" is omitted; and

(f) in subsection (6) after "other than section" where it first occurs there is inserted " 163 or ".

Commencement Information

I399 Sch. 13 para. 38 wholly in force; para. 38 not in force at Royal Assent see s. 84(2); para. 38(e) wholly in force at 25.09.1991 by S.I. 1991/2092, **art. 3**; para. 38(a)-(d)(f) wholly in force at 26.3.1992 by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.).

VALID FROM 26/03/1992

39 In section 266 (supplementary provisions as to rights of entry)—

(a) in subsection (1) after "authority" there is inserted " and state the purpose of his entry ";

(b) in subsection (3) for "premises" there is substituted " land ".

Commencement Information

I400 Sch. 13 para. 39 wholly in force at 26.3.1992 (subject to art. 5 of S.I. 1992/334) see **s. 84(2)(3)** and S.I. 1992/334, arts. 4, 5, **Sch. 2**.

VALID FROM 26/03/1992

40 (1) In subsection (1) of section 275 (interpretation)—

(a) after the definition of "authority to whom Part II of the 1959 Act applies" there is inserted—

""breach of condition notice" has the meaning given in section 87AA of this Act;

"breach of planning control" has the meaning given in section 83A of this Act;"

(b) at the end of the definition of "building or works" there is inserted " and references to the removal of buildings or works include demolition of buildings and filling in of trenches ";

(c) for the definition of "building operations" there is substituted—

""building operations" has the meaning given by section 19 of this Act;"

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(d) the definition of "established use certificate" is omitted;

(e) after the definition of "owner" there is inserted—

""planning contravention notice" has the meaning given in section 83C of this Act;"; and

(f) in the definition of "planning permission" the words from "and in construing" to the end are omitted.

(2) In subsection (9) of that section, for "or 257" there is substituted " , 257 or 258 ".

Modifications etc. (not altering text)

C43 Sch. 13 para. 40(1)(c) restricted (15.12.1994) by S.I. 1994/3292, **art.4**

Commencement Information

I401 Sch. 13 para. 40 partly in force; para. 40 not in force at Royal Assent see s. 84(2); para. 40(1)(a) in force to a certain extent and para. 40(e)(f) wholly in force at 26.3.1992 by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.); para. 40(1)(a) in force at 10.8.1992 insofar as not already in force by S.I. 1992/1937, **art. 3**; para. 40(1)(d) wholly in force at 25.9.1992 by S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.); para. 40(1)(b)(c) in force at 3.2.1995 by 1994/3292, art. 3; para. 40(2) in force at 30.8.1995 by S.I. 1995/2045, **art. 3**

41 (1) In paragraph 2 of Schedule 7 (determination of appeals), in sub-paragraph (1)(a), for "subsections (3) and (5)" there is substituted " subsections (3), (5) and (7A) ".

(2) In paragraph 2 of that Schedule, in sub-paragraph (2), after "85(2)" there is inserted " to (2D) " and after "93(2)" there is inserted " and (2A) ".

(3) In paragraph 3 of that Schedule, in sub-paragraph (2), for "section 26(3)(a)" there is substituted " section 26(3) ".

(4) In paragraph 3A of that Schedule, in sub-paragraph (2), for "26(3)(a)" there is substituted " 26(3) ".

Commencement Information

I402 Sch. 13 para. 41 partly in force; para. 41 not in force at Royal Assent see s. 84(2); para. 41(1) wholly in force at 25.09.1991 by S.I. 1991/2092, **art. 3**; para. 41(2) wholly in force at 26.3.1992 by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.); para. 41(3)(4) in force at 3.2.1995 by 1994/3292, art. 3

VALID FROM 03/02/1995

42 In paragraph 2 of Schedule 10 (control of works for demolition etc.), in sub-paragraph (1)—

(a) for the words "or other of those described in section 24(1)(a) to (d)" there is substituted " prescribed under section 24 "; and

(b) for the words "24(2) to (4) and 26(3)" there is substituted " 24 and 26(3) and (3A) ".

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43 In Schedule 19 (sections 250, 251 etc.)—

(a) in Part I—

(i) after the entry for section 26(1) there is inserted " Section 26A ";

(ii) for "Sections 48 to 51" there is substituted " Section 49 to 50 ";

(iii) after the entry for sections 88 to 89 there is inserted—

"Section 90A.

Sections 91A to 91C.";

(iv) after the entry relating to section 98 there is inserted—

" Sections 99A to 99C. ";

(b) in Part II—

(i) in the entry for section 33, for "and" there is substituted " to ";

(ii) after the entry relating to section 56 there is inserted—

" Sections 83A to 83D. ";

(iii) after the entry relating to section 87 there is inserted—

" Section 87AA. "; and

(c) in Part III after the entry for sections 61 to 63A there is inserted—

" Sections 83A to 83D. "

Commencement Information

I403 Sch. 13 para. 43 wholly in force; Sch. 13 para. 43 not in force at Royal Assent see s. 84(2); para. 43(a)(i)(b)(i) wholly in force at 25.09.1991 by S.I. 1991/2092, **art. 3**; para. 43(a)(iii) in force to a certain extent and para. 43(a)(iv)(b)(ii)(c) wholly in force at 26.3.1992 by S.I. 1992/334, art. 4, **Sch. 2** (subject to art. 5 of that S.I.); para. 43 in force at 25.9.1992 in so far as not already in force by S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

Local Government (Scotland) Act 1973 (c.65)

44 (1) For subsection (4) of section 173 (regional reports) of the Local Government (Scotland) Act 1973 there is substituted—

"(4) Before submitting the report to the Secretary of State, a general or regional planning authority shall consult every other planning authority who are likely to be affected by the report, and at the same time as they submit the report to the Secretary of State they shall send a copy of the report to every such planning authority."

(2) In subsection (2) of section 174 (structure plans) of that Act, after "State, a" there is inserted " general or ".

(3) In subsection (5) of section 179 (reference of applications to regional planning authority), for the words "23(1)(f) and (h), 24(2B), (2C), (2D) and (4)" there is substituted " 23, 24 ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Local Government, Planning and Land Act 1980 (c.65)

45 In subsection (3) of section 87 of the Local Government, Planning and Land Act 1980 (fees for planning applications), for the words "to him of a fee of the prescribed amount in respect of an" there is substituted—

"(a) of fees of prescribed amounts to him and to the planning authority in respect of any application for planning permission deemed to be made under subsection (7) of section 85 (appeals against enforcement notice) of the [M96]Town and Country Planning (Scotland) Act 1972; and

(b) of a fee of the prescribed amount to him in respect of any other".

Commencement Information

I404 Sch. 13 para. 45 wholly in force at 13.10.1991 see s. 84(2) and S.I. 1991/2272, **art. 2(b)**; para. 45 is also expressed to be brought into force on 26.3.1992 by S.I. 1992/334 art. 4, Sch. 2 (subject to art. 5 of that S.I.).

Marginal Citations

M96 1972 c. 52.

VALID FROM 26/03/1992

46 In Part I of Schedule 30 to that Act the following are inserted at the appropriate places among the provisions of the 1972 Act there listed: 83C, 83D, 84AA, 84AB, 87AA and 260A.

Commencement Information

I405 Sch. 13 para. 46 wholly in force; para. 46 not in force at Royal Assent see s. 84(2); para. 46 in force to a certain extent at 26.3.1992 by S.I. 1992/334 art. 4, Sch. 2 (subject to art. 5 of that S.I.); para. 46 in force at 25.9.1992 in so far as not already in force by S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

VALID FROM 25/09/1992

Town and Country Planning Act 1984 (c.10)

47 (1) Section 1 of the Town and Country Planning Act 1984 is amended as follows.

(2) In subsection (1) for "determination under section 51 of the Act of 1972 (determination whether planning permission is required)" there is substituted " certificate under section 90A of the Act of 1972 (certificate of lawfulness of proposed use or development) ".

(3) In subsection (2) for "or determination" there is substituted " or certificate ".

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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(4) For subsection (4) there is substituted—

"(4) Any application made by virtue of this section for a certificate under section 90A shall be determined as if the land were not Crown land."

(5) In subsection (5)(a) for "determinations" there is substituted " certificates ".

(6) In subsection (7) for "determination" there is substituted " certificate ".

Commencement Information

I406 Sch. 13 para. 47 wholly in force at 25.9.1992 see s. 84(2) and S.I. 1992/1937, **art. 4** (subject to art. 5 of that S.I.).

SCHEDULE 14

Section 66.

COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION

1 After section 22 of the [M97]Land Compensation Act 1961 there is inserted—

"**PART IV**

COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION

23 Compensation where planning decision made after acquisition.

(1) Where—

(a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers and, before the end of the period of ten years beginning with the date of completion, a planning decision is made granting permission for the carrying out of additional development of any of the land; and

(b) the principal amount of the compensation which was payable in respect of the compulsory acquisition or, in the case of a sale by agreement, the amount of the purchase price, was less than the amount specified in subsection (2) of this section,

then, subject to the following provisions of this section, the person to whom the compensation or purchase price was payable shall be entitled, on a claim duly made by him, to compensation from the acquiring authority of an amount equal to the difference.

(2) The amount referred to in subsection (1)(b) of this section is the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date if—

(a) the planning decision mentioned in subsection (1)(a) of this section had been made before that date; and

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(b) the permission granted by it had been in force on that date.

(3) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates to land acquired by the acquiring authority, whether compulsorily or by agreement—

(a) under section 142 or 143 of the Local Government, Planning and Land Act 1980 (acquisitions by urban development corporations and by highway authorities in connection with urban development areas);

(b) under the New Towns Act 1981 (acquisitions by development corporations and by highway authorities in connection with new town areas); or

(c) where the compulsory purchase order included a direction under section 50 of the [M98]Planning (Listed Buildings and Conservation Areas) Act 1990 (minimum compensation where building deliberately allowed to fall into disrepair).

(4) If—

(a) in accordance with the preceding provisions of this section the person referred to in subsection (1) of this section would be entitled to compensation under this section; but

(b) before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person,

the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.

(5) Compensation under this section shall carry interest at the rate prescribed under section 32 of this Act from the date of the planning decision in question until payment.

(6) The provisions of Part I of this Act (so far as applicable) shall apply (subject to the following provisions) in relation to the assessment of compensation under this section as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

24 Provisions as to claims under section 23.

(1) For the purpose of facilitating the making of claims for compensation under section 23 of this Act—

(a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in section 23(1)(a) of this Act; or

(b) any person claiming under him as being a person who, if compensation under that section became payable, would be entitled to it by virtue of subsection (4) of that section,

may give to the acquiring authority an address for service under this section.

(2) Where, at any time—

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(a) after a person has given an acquiring authority an address for service under this section; and

(b) before the end of the period mentioned in paragraph (a) of section 23(1) of this Act,

such a planning decision is made as is mentioned in that paragraph, the acquiring authority shall, subject to subsection (3) of this section, give notice of the decision in the prescribed form to that person at that address.

(3) If—

(a) an address for service has been given by such a person as is mentioned in subsection (1)(b) of this section; and

(b) the acquiring authority have reasonable grounds for believing that the person mentioned in subsection (1)(a) of this section is dead or that any other act or event has occurred as mentioned in section 23(4)(b) of this Act,

the acquiring authority need not give a notice to the person mentioned in subsection (1)(a).

(4) A claim for compensation under section 23 of this Act in respect of a planning decision shall not have effect if made more than six months after the following date, that is to say—

(a) if the claim is made by a person who has not given the acquiring authority an address for service under this section, the date of the decision;

(b) if the claim is made by a person who has given the acquiring authority such an address, the date on which notice of the decision is given to him in accordance with subsection (2) of this section;

but, where there is an appeal against the planning decision, the reference in paragraph (a) of this subsection to the date of the planning decision shall be read as a reference to the date of the decision on the appeal.

(5) The references in subsection (4) of this section to an appeal against a planning decision include an appeal made by virtue of section 78(2) of the [M99]Town and Country Planning Act 1990.

(6) Where—

(a) a person has given to an acquiring authority an address for service under this section; and

(b) that authority, before the end of the period mentioned in section 23(1)(a) of this Act, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to a freehold interest in, or tenancy of, that land or that part of it, as the case may be,

they shall notify the local planning authority; and after that it shall be the duty of the local planning authority to give notice to the acquiring authority of any planning decision of which the acquiring authority are required to give notice under subsection (2) of this section.

(7) Notice under subsection (6) of this section of a planning decision—

(a) in the case of a decision made by the local planning authority, shall be given within seven days after the making of the decision; and

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(b) in any other case, shall be given within seven days after the making of the decision has been notified to the local planning authority.

25 Extension to planning permission where no planning decision made.

(1) The provisions of sections 23 and 24(1) of this Act shall have effect in relation to any planning permission falling within column 1 of the following table for any development as if a planning decision granting that permission had been made on the date shown in column 2.

Planning permission	Date of decision
Permission granted by a development orderm	When development is initiated
Permission granted by the adoption or approval of a simplified planning zone scheme	When the scheme is approved or adopted
Permission granted by an order designating an enterprise zone	When the designation takes effect
Permission deemed to be granted by a direction under section 90 of the Town and Country Planning Act 1990	When the direction is given
Permission deemed to be granted by a local planning authority	The occurrence of the event in consequence of which the permission is deemed to be granted

(2) Where the provisions of section 23 of this Act have effect as applied by subsection (1) of this section in relation to any planning permission falling within column 1 of that table for any development, then if—

(a) before the date shown in column 2, a person who (under section 24(1) of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority; and

(b) the development is proposed to be carried out by the acquiring authority or, if it is proposed to be carried out by a person other than the acquiring authority, notice of that proposal is given to the acquiring authority by the person proposing to carry out the development,

it shall, subject to subsection (3) of this section, be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the person mentioned in paragraph (a) of this subsection at the address given by him to the authority.

(3) An acquiring authority shall not be required by virtue of subsection (2) of this section to give notice of proposed development to the person mentioned in section 24(1)(a) of this Act if—

(a) an address for service has been given to them by such a person as is mentioned in section 24(1)(b) of this Act; and

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(b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 23(4)(b) of this Act.

(4) A claim for compensation under section 23 of this Act in respect of a planning permission falling within column 1 of that table shall not have effect if made more than six months after the following date, that is to say—

(a) if the claim is made by a person to whom notice has been given under subsection (2) of this section, the date on which the notice was given;

(b) in any other case, the date shown in column 2.

26 Extension to Crown development.

(1) Where—

(a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and before the end of the period of ten years beginning with the date of completion there is initiated any additional development of any of the land which was comprised in the acquisition or sale; and

(b) by reason of any such circumstances as are mentioned in subsection (2) of this section the development in question is development for which planning permission is not required,

the provisions of sections 23 and 24(1) of this Act shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

(2) The circumstances referred to in subsection (1) of this section are either or both of the following—

(a) that the development is initiated by or on behalf of the Crown;

(b) that there is a Crown or Duchy interest in the land and the development is initiated in right of that interest.

(3) Where—

(a) the provisions of section 23 of this Act have effect as applied by subsection (1) of this section in relation to the initiation of any development; and

(b) before the development is initiated a person who (under section 24(1) of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority,

it shall, subject to subsections (4) and (5) of this section, be the duty of the acquiring authority to give notice in the prescribed form of the initiation of the development to the person mentioned in paragraph (b) of this subsection at the address given by him to the authority.

(4) Where—

(a) by virtue of subsection (3) of this section, it is the duty of a government department to give notice of development initiated by or on behalf of that department; and

(b) the Minister in charge of the department certifies that for reasons of national security it is necessary that the nature of the development

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should not be disclosed, except to the extent specified in the certificate,

the department shall give notice of development, but shall not be required to give any particulars of the nature of the development except to the extent specified in the certificate.

(5) An acquiring authority shall not be required by virtue of subsection (3) of this section to give notice of proposed development to the person mentioned in section 24(1)(a) of this Act if—

(a) an address for service has been given to them by such a person as is mentioned in section 24(1)(b) of this Act; and

(b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 23(4)(b) of this Act.

(6) A claim for compensation under section 23 of this Act in respect of the initiation of any development shall not have effect if made more than six months after the following date, that is to say—

(a) if the claim is made by a person to whom notice has been given under subsection (3) of this section, the date on which the notice was given;

(b) in any other case, the time the development is initiated.

(7) In this section "Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department.

27 Application of Part IV to certain cases.

The preceding provisions of this Part of this Act shall have effect subject to the provisions of the Third Schedule to this Act.

28 Regulations for purposes of Part IV.

(1) The Secretary of State may by statutory instrument make regulations for prescribing the form of any notice required by this Part of this Act to be given in the prescribed form.

(2) Any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

29 Interpretation of Part IV.

(1) In this Part of this Act—

"additional development", in relation to an acquisition or sale of an interest in land, means any development of the land other than the following, that is to say—

(a) where the acquiring authority are a local authority, and acquired the interest for the purposes of any of their functions, development for the purposes of the functions for which they acquired it;

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(b) where the acquiring authority are not a local authority, development for the purposes of the project in connection with which they acquired the interest;

(c) development for which planning permission was in force on the relevant date;

(d) in the case of compulsory acquisition, development for which it was assumed (in accordance with the provisions of sections 14 to 16 of this Act) for the purpose of assessing compensation that planning permission would be granted; and

(e) in the case of a sale by agreement, development for which, if the interest (instead of being sold by agreement) had been compulsorily acquired by the acquiring authority in pursuance of a notice to treat served on the relevant date, it would have been so assumed;

"date of completion", in relation to an acquisition or sale of an interest in land, means the date on which the acquisition or sale is completed by the vesting of that interest in the acquiring authority;

"local authority" means—

(a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the [M100]Local Government Finance Act 1988;

(b) a levying body within the meaning of section 74 of that Act;

(c) a body as regards which section 75 of that Act applies;

(d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and

(e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple;

and includes any internal drainage board under section 6 of the [M101]Land Drainage Act 1976;

"prescribed" means prescribed by regulations under this Part of this Act;

"the relevant date", in relation to a compulsory acquisition of an interest in land, means the date of service of the notice to treat and, in relation to a sale of such an interest by agreement, means the date of the making of the contract in pursuance of which the sale was effected.

(2) In this Part of this Act any reference to the granting of permission for the carrying out of development of any land is a reference to the granting of permission (including where applicable outline permission) for that development—

(a) either unconditionally or subject to conditions; and

(b) either in respect of that land taken by itself or in respect of an area including that land."

Commencement Information

I407 Sch. 14 para. 1 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations

M97 1961 c. 33.

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M98 1990 c. 9.
M99 1990 c. 8.
M100 1988 c. 41.
M101 1976 c. 70.

2 After Schedule 2 to that Act there is inserted—

"THIRD
SCHEDULE

APPLICATION OF PART IV TO CERTAIN CASES

Disturbance, severance and injurious affection

1 Subject to paragraph 2 of this Schedule, any reference in section 23 of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.

2 If the person entitled to the compensation under section 23 of this Act—

(a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in other land contiguous or adjacent to the land acquired or purchased; but

(b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land;

any reference in section 23 of this Act to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

Increase in value of contiguous or adjacent land

3 In determining for the purposes of section 23 of this Act the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—

(a) the compensation or the purchase price was or would have been reduced (whether by virtue of section 7 of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land; but

(b) at the time of the planning decision the person entitled to the compensation under section 23 of this Act is not entitled to the interest or is entitled to it only as respects part of the contiguous or adjacent land,

the amount specified in section 23(2) and the principal amount or purchase price mentioned in section 23(1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part of the land.

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Mortgaged land

4 Subject to the provisions of this Schedule relating to settled land, where, in a case falling within section 23(1) of this Act, the interest in land which was acquired or sold was subject to a mortgage, any reference (however expressed) in section 23 or section 24 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the person who, subject to the mortgage, was entitled to that interest, and not as a reference to the mortgagee.

5 For the purposes of the application of section 23 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a mortgage.

6 No compensation shall be payable by virtue of section 23 of this Act in respect of a compulsory acquisition or sale by agreement where the interest acquired or sold was the interest of a mortgagee (as distinct from an interest subject to a mortgage).

Settled land

7 (1) Where, in a case falling within section 23(1) of this Act, the interest in land which was acquired or sold was subject to a settlement, and accordingly the compensation or purchase price was payable to the trustees of that settlement, any reference (however expressed) in section 23 or section 24 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the settlement.

(2) Where sub-paragraph (1) of this paragraph applies, section 23(4) of this Act shall not apply.

(3) Any compensation paid to the trustees of the settlement by virtue of section 23 of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.

(4) In this paragraph "settlement" means a settlement within the meaning of the [M102]Settled Land Act 1925, or a trust for sale within the meaning of the [M103]Law of Property Act 1925.

Interpretation

8 References in this Schedule to sections 23 and 24 of this Act include references to those sections as applied by section 25 or 26 of this Act, and references to the time of any planning decision shall be construed accordingly."

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Commencement Information
I408 Sch. 14 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M102 1925 c. 18.
M103 1925 c. 20.

SCHEDULE 15

Section 70.

AMENDMENTS RELATING TO LAND COMPENSATION

Commencement Information
I409 Sch. 15 wholly in force: Sch. 15 except para. 32 in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**; para. 32 in force at 2.1.1992 by S.I. 1991/2728, **art. 2**

PART I

MISCELLANEOUS AMENDMENTS

Commencement Information
I410 Sch. 15 Pt. I wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Rules for assessment of compensation

1 In section 5 of the [M104]Land Compensation Act 1961 (rules for assessing compensation), in rule (3) (disregard of special suitability of land for any purpose where, in particular, there is no market for that purpose apart from the special needs of a particular purchaser or the requirements of an authority possessing compulsory purchase powers) "the special needs of a particular purchaser or" is omitted.

Modifications etc. (not altering text)
C44 Sch. 15 para. 1 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 4**.

Commencement Information
I411 Sch. 15 para. 1 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M104 1961 c. 33.

Expenses in acquiring replacement land

2 After section 10 of the [M105]Land Compensation Act 1961 there is inserted—

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"**10A Expenses of owners not in occupation.**

Where, in consequence of any compulsory acquisition of land—

(a) the acquiring authority acquire an interest of a person who is not then in occupation of the land; and

(b) that person incurs incidental charges or expenses in acquiring, within the period of one year beginning with the date of entry, an interest in other land in the United Kingdom,

the charges or expenses shall be taken into account in assessing his compensation as they would be taken into account if he were in occupation of the land."

Modifications etc. (not altering text)
C45 Sch. 15 para. 2 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.I para. 4**

Commencement Information
I412 Sch. 15 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M105 1961 c. 33.

Compensation otherwise than in the form of money

3 In section 3 of the [M106]Compulsory Purchase Act 1965 (acquisition by agreement for a consideration in money) after "money" there is inserted " or money's worth ".

Commencement Information
I413 Sch. 15 para. 3 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M106 1965 c. 56.

Tenants at will, etc: part acquisitions

4 In section 20(2) of the Compulsory Purchase Act 1965 (tenant at will, etc., entitled to compensation for damage done to him in his tenancy), for "in his tenancy by severing the" there is substituted " by severing ".

Modifications etc. (not altering text)
C46 Sch. 15 para. 4 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I414 Sch. 15 para. 4 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

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Caravans etc. affected by noise of public works

5 (1) After section 20 of the [M107]Land Compensation Act 1973 there is inserted—

"**20A Power to make payments in respect of caravans and other structures affected by noise of public works.**

(1) The Secretary of State may make regulations empowering responsible authorities to make a payment, not exceeding an amount specified in the regulations, in respect of any dwelling which—

(a) is not a building;

(b) is occupied by a person as his only or main residence; and

(c) is affected or likely to be affected by noise caused by the construction or use of public works.

(2) Regulations under this section may—

(a) make provision as to the level of noise giving rise to a power under the regulations and the area in which a dwelling must be situated if a power is to arise in respect of it;

(b) specify the classes of public works and of dwellings in respect of which a power is to arise, and the classes of persons entitled to make claims, under the regulations; and

(c) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed.

(3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Subsections (3), (7) and (12) of section 20 above apply for the purposes of this section as they apply for the purposes of that."

(2) This paragraph does not apply in relation to any public works if the relevant date for the purposes of Part I of the [M108]Land Compensation Act 1973 fell more than twelve months before the date on which this paragraph comes into force.

Commencement Information

I415 Sch. 15 para. 5 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations

M107 1973 c. 26.

M108 1973 c. 26.

Farm loss payments

6 (1) Section 34 of the Land Compensation Act 1973 (right to farm loss payment where person displaced from agricultural unit) is amended as follows.

(2) For subsection (1)(a) (section applies only if whole of land is acquired) there is substituted—

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"(a) in consequence of the compulsory acquisition of his interest in the whole, or a sufficient part, of that land, he is displaced from the land acquired".

(3) In subsection (2) (interests qualifying for compensation) for the words following "tenancy" there is substituted " where his interest is as tenant for a year or from year to year or a greater interest, and "sufficient part" means not less than 0.5 hectares or such other area as the Secretary of State may by order specify ".

(4) After that subsection there is inserted—

"(2A) The power to make an order under subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(5) At the end of subsection (3)(a) (meaning of displacement) there is added " or on any date after the making or confirmation of the compulsory purchase order but before being required to do so by the acquiring authority ".

(6) Subsection (6) is omitted.

Modifications etc. (not altering text)
C47 Sch. 15 para. 6 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I416 Sch. 15 para.6 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Notice to quit agricultural holding: right to opt for notice of entry compensation

7 At the end of section 59(7) of the Land Compensation Act 1973 (which does not apply where land was Crown land at time of agreement to acquire it) there is inserted " and the reference in that subsection to an authority possessing compulsory purchase powers includes a person or body of persons who would be an authority possessing compulsory purchase powers if the landlord's interest were not an interest in Crown land (as defined by section 293 of the [M109]Town and Country Planning Act 1990). "

Modifications etc. (not altering text)
C48 Sch. 15 para. 7 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I417 Sch. 15 para. 7 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M109 1990 c. 8.

Service of documents

8 In section 6(4) of the [M110]Acquisition of Land Act 1981 (service of documents where not practicable to ascertain name or address of owner, etc.), for the words from

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"premises or" to the end there is substituted " land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land ".

Commencement Information
I418 Sch. 15 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M110 1981 c. 67.

Meaning of "owner"

9 In section 7 of the Acquisition of Land Act 1981 (interpretation) at the end of the definition of "owner" there is inserted " and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative ".

Modifications etc. (not altering text)
C49 Sch. 15 para. 9 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.I para. 4**

Commencement Information
I419 Sch. 15 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Local authority and statutory undertakers' land

10 (1) At the end of section 16(1) of, and paragraph 3(1) of Schedule 3 to, the [M111]Acquisition of Land Act 1981 (statutory undertakers' land excluded from compulsory purchase if objection made and no certificate given) there is added " and the representation is not withdrawn. "

(2) For section 31(2) and (3) of that Act (acquisition under certain enactments without a certificate) there is substituted—

"(2) Section 16(2) of, and paragraph 3(2) of Schedule 3 to, this Act shall not apply to an order confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would (apart from this subsection) have power to make or confirm it."

Modifications etc. (not altering text)
C50 Sch. 15 para. 10 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.I para. 4**

Commencement Information
I420 Sch. 15 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M111 1981 c. 67.

11 In section 17(3) of, and paragraph 4(3) of Schedule 3 to, that Act (certain compulsory acquisitions to be subject to special parliamentary procedure, unless

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acquirer is local authority, etc.), before "the Land Authority for Wales" there is inserted " an urban development corporation ".

Modifications etc. (not altering text)
C51 Sch. 15 para. 11 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I421 Sch. 15 para. 11 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Commons, open spaces, etc.

12 (1) In section 19 of the Acquisition of Land Act 1981 (compulsory acquisition of commons, etc., to be subject to special parliamentary procedure, with exceptions)—

(a) at the end of subsection (1)(a) there is inserted—

"(aa) that the land is being purchased in order to secure its preservation or improve its management", and

(b) in subsection (2) after "shall" there is inserted " direct the acquiring authority to ",

(c) after that subsection there is inserted—

"(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.", and

(d) at the end of subsection (3) there is added " except where the Secretary of State has given a certificate under subsection (1)(aa) above. "

(2) In paragraph 6 of Schedule 3 to that Act—

(a) after sub-paragraph (1)(a) there is inserted—

"(aa) that the right is being acquired in order to secure the preservation or improve the management of the land", and

(b) in sub-paragraph (3) after "shall" there is inserted " direct the acquiring authority to ",

(c) after that sub-paragraph there is inserted—

"(3A) Notice under sub-paragraph (3) above shall be given in such form and manner as the Secretary of State may direct.", and

(d) in sub-paragraph (4), after "mentioned, and" there is inserted " except where the Secretary of State has given his certificate under sub-paragraph (1)(aa) above. "

Modifications etc. (not altering text)
C52 Sch. 15 para. 12 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.I para. 4**

Commencement Information
I422 Sch. 15 para. 12 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

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Blighted land

13 In sections 150(1)(b), 161(2)(c) and 162(1)(b) of the principal Act (notices requiring purchase of blighted land: need to show reasonable endeavours to sell interest) after "interest" there is inserted " or the land falls within paragraph 21 or paragraph 22 (disregarding the notes) of Schedule 13 and the powers of compulsory acquisition remain exercisable ".

Commencement Information
I423 Sch. 15 para. 13 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

14 (1) In Schedule 13 to that Act (blighted land) for paragraph 16 there is substituted—

"16 Land comprised in the site of a highway as proposed to be constructed, improved or altered by the Secretary of State if he has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the local planning authority."

(2) In paragraph 18 of that Schedule for "trunk road or special road" there is substituted " highway ".

Commencement Information
I424 Sch. 15 para. 14 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

Commencement Information
I425 Sch. 15 Pt. II wholly in force: Sch. 15 Pt. II paras. 15 - 31 in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**; Sch. 15 Pt. II wholly in force at 2.1.1992, so far as not already in force, by S.I. 1991/2728, **art. 3**

Land Compensation Act 1961 (c. 33)

15 (1) In section 14(1) of the Land Compensation Act 1961 after "shall" there is inserted " (subject to subsection (3A) of this section) ".

(2) In section 14(3) of that Act, for the words from "but" to the end there is substituted—

"(3A) In determining—

(a) for the purpose referred to in subsection (1) of this section whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land; or

(b) whether any of the assumptions mentioned in section 16 of this Act (but not section 15) are applicable to the relevant land or any part thereof,

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regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Part III of this Act."

Modifications etc. (not altering text)
C53 Sch. 15 para. 15 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 5(1)**

Commencement Information
I426 Sch. 15 para. 15 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

16 In section 17 of that Act—

(a) for the words from the beginning of subsection (2) to "acquire it" there is substituted " If the authority proposing to acquire the interest ", and

(b) subsection (8) is omitted.

Modifications etc. (not altering text)
C54 Sch. 15 para. 16 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 5(1)**

Commencement Information
I427 Sch. 15 para. 16 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

17 In section 19(1) of that Act for "in the circumstances mentioned in subsection (1) of section 17 of this Act" there is substituted " by an authority possessing compulsory purchase powers ".

Modifications etc. (not altering text)
C55 Sch. 15 para. 17 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 5(1)**

Commencement Information
I428 Sch. 15 para. 17 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

18 Section 22(3) of that Act is omitted.

Modifications etc. (not altering text)
C56 Sch. 15 para. 18 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 5(1)**

Commencement Information
I429 Sch. 15 para. 18 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Compulsory Purchase Act 1965 (c. 56)

19 In section 31 of the Compulsory Purchase Act 1965—

(a) after "but" there is inserted " in the case of land which is not diocesan glebe land ",

(b) for "to be applied" there is substituted " and, in the case of diocesan glebe land, shall be paid to the Diocesan Board of Finance in which the land is vested and, in either case, shall be applied ", and

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(c) at the end of that section there is added— " In this section "Diocesan Board of Finance" and "diocesan glebe land" have the same meaning as in the [M112]Endowments and Glebe Measure 1976. "

Modifications etc. (not altering text)
C57 Sch. 15 para. 19 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.I para. 4**

Commencement Information
I430 Sch. 15 para. 19 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M112 1976 No. 4.

Land Compensation Act 1973 (c. 26)

20 In section 13 of the Land Compensation Act 1973—

(a) in subsection (1) for "to the Church Commissioners to" there is substituted—

"(a) in the case of land which is not diocesan glebe land, to the Church Commissioners; and

(b) in the case of diocesan glebe land, to the Diocesan Board of Finance in which the land is vested,

and (in either case) shall ", and

(b) at the end of subsection (2) there is added " or being diocesan glebe land; and "Diocesan Board of Finance" and "diocesan glebe land" have the same meaning as in the [M113]Endowments and Glebe Measure 1976 ".

Modifications etc. (not altering text)
C58 Sch. 15 para. 20 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 5(2)**

Commencement Information
I431 Sch. 15 para. 20 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M113 1976 No. 4.

21 In section 26 of that Act—

(a) in subsection (2) for "of the kind mentioned in section 22(2) above" there is substituted " a qualifying interest ", and

(b) in subsection (5) for "and (2)" there is substituted " (2) and (2A) ".

Commencement Information
I432 Sch. 15 para. 21 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

22 (1) Section 29 of that Act is amended as follows.

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(2) In subsection (1)—

(a) in paragraph (ii) "passed the resolution" is omitted;

(b) "and" following paragraph (iii) is omitted;

(c) after paragraph (iv) there is inserted " and "; and

(d) in paragraph (v) after "(e)" there is inserted " above ".

(3) In subsection (3A) the words from "of the service" to "(1)(b) above" are omitted.

(4) In subsection (4)—

(a) for paragraph (b) there is substituted—

"(b) a right to occupy the dwelling—

(i) as a statutory tenant within [M114]the meaning of the [M115]Rent (Agriculture) Act 1976 or the Rent Act 1977, or

(ii) under a contract to which section 19 of the Rent Act 1977 (restricted contracts) applies or would apply if the contract or dwelling were not excluded by section 19(3) to (5) or 144 of that Act", and

(b) for paragraph (e) there is substituted—

"(e) a right to occupy the dwelling under a licence where—

(i) it is a right to occupy as a protected occupier within the meaning of the Rent (Agriculture) Act 1976,

(ii) Part IV of the [M116]Housing Act 1985 (secure tenancies) applies to the licence, or

(iii) the licence is an assured agricultural occupancy within the meaning of Part I of the [M117]Housing Act 1988."

Modifications etc. (not altering text)
C59 Sch. 15 para. 22 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.II para. 5(3)**

Commencement Information
I433 Sch. 15 para. 22 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M114 1977 c. 42.
M115 1976 c. 80.
M116 1985 c. 68.
M117 1988 c. 50.

23 In section 32(7B) of that Act for "the person giving up possession" there is substituted " any person giving up possession or occupation ".

Modifications etc. (not altering text)
C60 Sch. 15 para. 23 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.II para. 5(3)**

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Commencement Information
I434 Sch. 15 para. 23 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

24 In section 52 of that Act—

(a) in subsection (9) after "the amount of the advance payment" there is inserted " together with any amount paid under section 52A ", and

(b) in subsection (10) the words following "unpaid" are omitted.

Modifications etc. (not altering text)
C61 Sch. 15 para. 24 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I435 Sch. 15 para. 24 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Local Government, Planning and Land Act 1980 (c. 65)

25 After section 141(5) of the Local Government, Planning and Land Act 1980 there is inserted—

"(5A) No compensation is payable, by virtue of an order under this section, under Part IV of the [M118]Land Compensation Act 1961."

Commencement Information
I436 Sch. 15 para. 25 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M118 1961 c. 33.

Highways Act 1980 (c. 66)

26 In section 246(2) of the Highways Act 1980, for the words following paragraph (b) there is substituted " if the interest of the vendor is a qualifying interest ".

Commencement Information
I437 Sch. 15 para. 26 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Acquisition of Land Act 1981 (c. 67)

27 At the end of section 12(3) of, and paragraph 3(3) of Schedule 1 to, the Acquisition of Land Act 1981 there is added " or being diocesan glebe land within the meaning of the [M119]Endowments and Glebe Measure 1976 ".

Modifications etc. (not altering text)
C62 Sch. 15 para. 27 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 4**

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Commencement Information
I438 Sch. 15 para. 27 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Marginal Citations
M119 1976 No. 4.

28 Section 20 of, and paragraph 7 of Schedule 3 to, that Act are repealed.

Commencement Information
I439 Sch. 15 para. 28 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

The principal Act

29 In section 231 of the principal Act the words from "for a purpose" to "is situated" are omitted.

Commencement Information
I440 Sch. 15 para. 29 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

30 (1) In section 318 of that Act, in subsection (3) for the words from "be" (in paragraph (a)) to "shall" (in paragraph (b)) there is substituted—

"in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

(b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case) ".

(2) In subsection (4)(b) of that section for "(3)(b)" there is substituted " (3) ".

(3) At the end of section 318(6) of that Act there is added " or being diocesan glebe land; and "Diocesan Board of Finance" and "diocesan glebe land" have the same meaning as in the Endowments and Glebe Measure 1976 ".

Modifications etc. (not altering text)
C63 Sch. 15 para. 30 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 5(4)**

Commencement Information
I441 Sch. 15 para. 30 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

31 (1) In section 86(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the words from "be" (in paragraph (a)) to "shall" (in paragraph (b)) there is substituted—

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"in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

(b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case). "

(2) At the end of section 86(4) of that Act there is added " or being diocesan glebe land; and "Diocesan Board of Finance" and "diocesan glebe land" have the same meaning as in the Endowments and Glebe Measure 1976 ".

Modifications etc. (not altering text)
C64 Sch. 15 para. 31 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt.II para. 5(4)**

Commencement Information
I442 Sch. 15 para. 31 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

VALID FROM 02/01/1992

Planning (Hazardous Substances) Act 1990 (c. 10)

32 (1) In section 34(3) of the Planning (Hazardous Substances) Act 1990 for the words from "be" (in paragraph (a)) to "shall" (in paragraph (b)) there is substituted—

"in the case of land which is not diocesan glebe land, be paid to the Church Commissioners; and

(b) shall, in the case of diocesan glebe land, be paid to the Diocesan Board of Finance in which the land is vested,

and shall (in either case). "

(2) At the end of section 34(4) of that Act there is added " or being diocesan glebe land; and "Diocesan Board of Finance" and "diocesan glebe land" have the same meaning as in the [M120]Endowments and Glebe Measure 1976 ".

Commencement Information
I443 Sch. 15 para. 32 wholly in force at 2.1.1992, see s. 84(2)(3) and S.I. 1991/2728, **art. 3**

Marginal Citations
M120 1976 No. 4.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULE 16

Section 77.

COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION-SCOTLAND

Commencement Information

I444 Sch. 16 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

1 After section 30 of the [M121]Land Compensation (Scotland) Act 1963 there is inserted—

"**PART V**

COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION

31 Compensation where planning decision made after acquisition.

(1) Where—

(a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers and, before the end of the period of ten years beginning with the date of completion, a planning decision is made granting permission for the carrying out of additional development of any of the land; and

(b) the principal amount of the compensation which was payable in respect of the compulsory acquisition or, in the case of a sale by agreement, the amount of the purchase price, was less than the amount specified in subsection (2) of this section,

then, subject to the following provisions of this section, the person to whom the compensation or purchase price was payable shall be entitled, on a claim duly made by him, to compensation from the acquiring authority of an amount equal to the difference.

(2) The amount referred to in subsection (1)(b) of this section is the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date if—

(a) the planning decision mentioned in subsection (1)(a) of this section had been made before that date; and

(b) the permission granted by it had been in force on that date.

(3) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates to land acquired by the acquiring authority, whether compulsorily or by agreement—

(a) under section 142 or 143 of the [M122]Local Government, Planning and Land Act 1980 (acquisitions by urban development corporations and by roads authorities in connection with urban development areas);

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(b) under the [M123]New Towns (Scotland) Act 1968 (acquisitions by development corporations and by roads authorities in connection with new town areas); or

(c) where the compulsory purchase order included a direction under section 107 of the [M124]Town and Country Planning (Scotland) Act 1972 (minimum compensation in case of listed building deliberately left derelict).

(4) If—

(a) in accordance with the preceding provisions of this section the person referred to in subsection (1) of this section would be entitled to compensation under this section; but

(b) before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person,

the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.

(5) Compensation under this section shall carry interest at the rate prescribed under section 40 of this Act from the date of the planning decision in question until payment.

(6) The provisions of Part II of this Act (so far as applicable) shall apply (subject to the following provisions) in relation to the assessment of compensation under this section as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

32 Provisions as to claims under section 31.

(1) For the purpose of facilitating the making of claims for compensation under section 31 of this Act—

(a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in section 31(1)(a) of this Act; or

(b) any person claiming under him as being a person who, if compensation under that section became payable, would be entitled to it by virtue of subsection (4) of that section,

may give to the acquiring authority an address for service under this section.

(2) Where, at any time—

(a) after a person has given an acquiring authority an address for service under this section; and

(b) before the end of the period mentioned in paragraph (a) of section 31(1) of this Act,

such a planning decision is made as is mentioned in that paragraph, the acquiring authority shall, subject to subsection (3) of this section, give notice of the decision in the prescribed form to that person at that address.

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(3) If—

(a) an address for service has been given by such a person as is mentioned in subsection (1)(b) of this section; and

(b) the acquiring authority have reasonable grounds for believing that the person mentioned in subsection (1)(a) of this section is dead or that any other act or event has occurred as mentioned in section 31(4)(b) of this Act,

the acquiring authority need not give a notice to the person mentioned in subsection (1)(a).

(4) A claim for compensation under section 31 of this Act in respect of a planning decision shall not have effect if made more than six months after the following date, that is to say—

(a) if the claim is made by a person who has not given the acquiring authority an address for service under this section, the date of the decision;

(b) if the claim is made by a person who has given the acquiring authority such an address, the date on which notice of the decision is given to him in accordance with subsection (2) of this section;

but, where there is an appeal against the planning decision, the reference in paragraph (a) of this subsection to the date of the planning decision shall be read as a reference to the date of the decision on the appeal.

(5) The references in subsection (4) of this section to an appeal against a planning decision include an appeal made by virtue of section 34 of the [M125]Town and Country Planning (Scotland) Act 1972.

(6) Where—

(a) a person has given to an acquiring authority an address for service under this section; and

(b) that authority, before the end of the period mentioned in section 31(1)(a) of this Act, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to the dominium utile, or a tenancy, of that land or that part of it, as the case may be,

they shall notify the planning authority; and after that it shall be the duty of the planning authority to give notice to the acquiring authority of any planning decision of which the acquiring authority are required to give notice under subsection (2) of this section.

(7) Notice under subsection (6) of this section of a planning decision—

(a) in the case of a decision made by the planning authority, shall be given within seven days after the making of the decision; and

(b) in any other case, shall be given within seven days after the making of the decision has been notified to the planning authority.

33 Extension to planning permission where no planning decision made.

(1) The provisions of sections 31 and 32(1) of this Act shall have effect in relation to any planning permission falling within column 1 of the following

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table for any development as if a planning decision granting that permission had been made on the date shown in column 2.

Planning permission	**Date of decision**
Permission granted by a development order	When development is initiated
Permission granted by the adoption or approval of a simplified planning zone scheme	When the scheme is approved or adopted
Permission granted by an order designating an enterprise zone	When the designation takes effect
Permission deemed to be granted by a direction under section 37 of the Town and Country Planning (Scotland) Act 1972	When the direction is given
Permission deemed to be granted by a planning authority	The occurrence of the event in consequence of which the permission is deemed to be granted

(2) Where the provisions of section 31 of this Act have effect as applied by subsection (1) of this section in relation to any planning permission falling within column 1 of that table for any development, then if—

(a) before the date shown in column 2, a person who (under section 32(1) of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority; and

(b) the development is proposed to be carried out by the acquiring authority or, if it is proposed to be carried out by a person other than the acquiring authority, notice of that proposal is given to the acquiring authority by the person proposing to carry out the development,

it shall, subject to subsection (3) of this section, be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the person mentioned in paragraph (a) of this subsection at the address given by him to the authority.

(3) An acquiring authority shall not be required by virtue of subsection (2) of this section to give notice of proposed development to the person mentioned in section 32(1)(a) of this Act if—

(a) an address for service has been given to them by such a person as is mentioned in section 32(1)(b) of this Act; and

(b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 31(4)(b) of this Act.

(4) A claim for compensation under section 31 of this Act in respect of a planning permission falling within column 1 of that table shall not have effect if made more than six months after the following date, that is to say—

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(a) if the claim is made by a person to whom notice has been given under subsection (2) of this section, the date on which the notice was given;

(b) in any other case, the date shown in column 2.

34 Extension to Crown development.

(1) Where—

(a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and before the end of the period of ten years beginning with the date of completion there is initiated any additional development of any of the land which was comprised in the acquisition or sale; and

(b) by reason of any such circumstances as are mentioned in subsection (2) of this section the development in question is development for which planning permission is not required,

the provisions of sections 31 and 32(1) of this Act shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

(2) The circumstances referred to in subsection (1) of this section are either or both of the following—

(a) that the development is initiated by or on behalf of the Crown;

(b) that there is a Crown interest in the land and the development is initiated in right of that interest.

(3) Where—

(a) the provisions of section 31 of this Act have effect as applied by subsection (1) of this section in relation to the initiation of any development; and

(b) before the development is initiated a person who (under section 32(1) of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority,

it shall, subject to subsections (4) and (5) of this section, be the duty of the acquiring authority to give notice in the prescribed form of the initiation of the development to the person mentioned in paragraph (b) of this subsection at the address given by him to the authority.

(4) Where—

(a) by virtue of subsection (3) of this section, it is the duty of a government department to give notice of development initiated by or on behalf of that department; and

(b) the Minister in charge of the department certifies that for reasons of national security it is necessary that the nature of the development should not be disclosed, except to the extent specified in the certificate,

the department shall give notice of development, but shall not be required to give any particulars of the nature of the development except to the extent specified in the certificate.

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(5) An acquiring authority shall not be required by virtue of subsection (3) of this section to give notice of proposed development to the person mentioned in section 32(1)(a) of this Act if—

(a) an address for service has been given to them by such a person as is mentioned in section 32(1)(b) of this Act; and

(b) they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred as mentioned in section 31(4)(b) of this Act.

(6) A claim for compensation under section 31 of this Act in respect of the initiation of any development shall not have effect if made more than six months after the following date, that is to say—

(a) if the claim is made by a person to whom notice has been given under subsection (3) of this section, the date on which the notice was given;

(b) in any other case, the time the development is initiated.

(7) In this section "Crown interest" means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department.

35 Application of Part V to certain cases.

The preceding provisions of this Part of this Act shall have effect subject to the provisions of the Third Schedule to this Act.

36 Regulations for purposes of Part V.

(1) The Secretary of State may by statutory instrument make regulations for prescribing the form of any notice required by this Part of this Act to be given in the prescribed form.

(2) Any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

37 Interpretation of Part IV.

(1) In this Part of this Act—

"additional development", in relation to an acquisition or sale of an interest in land, means any development of the land other than the following, that is to say—

(a) where the acquiring authority are a local authority, and acquired the interest for the purposes of any of their functions, development for the purposes of the functions for which they acquired it;

(b) where the acquiring authority are not a local authority, development for the purposes of the project in connection with which they acquired the interest;

(c) development for which planning permission was in force on the relevant date;

(d) in the case of compulsory acquisition, development for which it was assumed (in accordance with the provisions of sections 22 to 24 of

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this Act) for the purpose of assessing compensation that planning permission would be granted; and

(e) in the case of a sale by agreement, development for which, if the interest (instead of being sold by agreement) had been compulsorily acquired by the acquiring authority in pursuance of a notice to treat served on the relevant date, it would have been so assumed;

"date of completion", in relation to an acquisition or sale of an interest in land, means the date on which the acquisition or sale is completed by the vesting of that interest in the acquiring authority;

"local authority" means a regional, islands or district council;

"prescribed" means prescribed by regulations under this Part of this Act;

"the relevant date", in relation to a compulsory acquisition of an interest in land, means the date of service of the notice to treat and, in relation to a sale of such an interest by agreement, means the date of the making of the contract in pursuance of which the sale was effected.

(2) In this Part of this Act any reference to the granting of permission for the carrying out of development of any land is a reference to the granting of permission (including where applicable outline permission) for that development—

(a) either unconditionally or subject to conditions; and

(b) either in respect of that land taken by itself or in respect of an area including that land."

Commencement Information

I445 Sch. 16 para. 1 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations

M121 1963 c. 51.
M122 1980 c. 65.
M123 1968 c. 16.
M124 1972 c. 52.
M125 1972 c. 52.

2 After Schedule 2 to that Act there is inserted—

"THIRD
SCHEDULE

APPLICATION OF PART V TO CERTAIN CASES

Disturbance, severance and injurious affection

1 Subject to paragraph 2 of this Schedule, any reference in section 31 of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.

2 If the person entitled to the compensation under section 31 of this Act—

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(a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in other land contiguous or adjacent to the land acquired or purchased; but

(b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land;

any reference in section 31 of this Act to the principal amount of any compensation or the amount of the purchase price shall be construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

Increase in value of contiguous or adjacent land

3 In determining for the purposes of section 31 of this Act the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—

(a) the compensation or the purchase price was or would have been reduced (whether by virtue of section 14 of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land; but

(b) at the time of the planning decision the person entitled to the compensation under section 23 of this Act is not entitled to the interest or is entitled to it only as respects part of the contiguous or adjacent land,

the amount specified in section 31(2) and the principal amount or purchase price mentioned in section 31(1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part of the land.

Land held subject to heritable security

4 Subject to the provisions of this Schedule relating to settled land, where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a heritable security, any reference (however expressed) in section 31 or section 32 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the person who, subject to the heritable security, was entitled to that interest, and not as a reference to the heritable creditor.

5 For the purposes of the application of section 31 of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a heritable security.

6 No compensation shall be payable by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement where the interest

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acquired or sold was the interest of a heritable creditor (as distinct from an interest subject to a heritable security).

Land held in trust

7 (1) Where, in a case falling within section 31(1) of this Act, the interest in land which was acquired or sold was subject to a trust, and accordingly the compensation or purchase price was payable to the trustees of that trust, any reference (however expressed) in section 31 or section 32 of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the trust.

(2) Where sub-paragraph (1) of this paragraph applies, section 31(4) of this Act shall not apply.

(3) Any compensation paid to the trustees of the trust by virtue of section 31 of this Act in respect of a compulsory acquisition or sale by agreement shall be applicable by the trustees as if it were proceeds of the 1sale of the interest acquired or sold.

(4) In this paragraph "trust" has the same meaning as in the [M126]Trusts (Scotland) Act 1921.

Interpretation

8 References in this Schedule to sections 31 and 32 of this Act include references to those sections as applied by section 33 or 34 of this Act, and references to the time of any planning decision shall be construed accordingly."

Commencement Information
I446 Sch. 16 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations
M126 1921 c. 58.

SCHEDULE 17

Section 79.

AMENDMENTS RELATING TO LAND COMPENSATION IN SCOTLAND

Commencement Information
I447 Sch. 17 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

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PART I

MISCELLANEOUS AMENDMENTS

Compensation for tenants for a year or from year to year

1 In section 114 of the [M127]Lands Clauses Consolidation (Scotland) Act 1845 (compensation to be made to tenants for a year etc.), for "in his tenancy by the severing of the" there is substituted " by severing ".

Commencement Information
I448 Sch. 17 para. 1 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations
M127 1845 c. 19.

Local authority and statutory undertakers' land

2 In paragraph 10 (protection of land held by statutory undertakers) of Schedule 1 to the [M128]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, before "the compulsory purchase order" there is inserted " and, if the representation is not withdrawn, ".

Modifications etc. (not altering text)
C65 Sch. 17 para. 2 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I449 Sch. 17 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations
M128 1947 c. 42.

3 In paragraph 11 of that Schedule (purchase of open space)—

(a) in sub-paragraph (2), after "shall" there is inserted " direct the acquiring authority to "; and

(b) after that sub-paragraph there is inserted—

"(3) Notice under sub-paragraph (2) of this paragraph shall be given in such form and manner as the Secretary of State may direct.".

Commencement Information
I450 Sch. 17 para. 3 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**
I451 Sch. 17 para. 3 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 4**

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Service of documents

4 In paragraph 19(4) of that Schedule (service of documents where not practicable to ascertain name or address of owner, etc.), for the words from "premises or" to the end there is substituted " land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land ".

Commencement Information
I452 Sch. 17 para. 4 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Rules for the assessment of compensation

5 In section 12 of the [M129]Land Compensation (Scotland) Act 1963 (rules for assessing compensation), in rule (3) (disregard of special suitability of land for any purpose where, in particular, there is no market for that purpose apart from the special needs of a particular purchaser or the requirements of an authority possessing compulsory purchase powers) "the special needs of a particular purchaser or" is omitted.

Modifications etc. (not altering text)
C66 Sch. 17 para. 5 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I453 Sch. 17 para. 5 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations
M129 1963 c. 51.

Expenses in acquiring replacement land

6 After section 17 of the Land Compensation (Scotland) Act 1963 there is inserted—

"**17A Expenses of owners not in occupation.**

Where, in consequence of any compulsory acquisition of land—

(a) the acquiring authority acquire an interest of a person who is not then in occupation of the land; and

(b) that person incurs incidental charges or expenses in acquiring, within the period of one year beginning with the date of entry, an interest in other land in the United Kingdom,

the charges or expenses shall be taken into account in assessing his compensation as they would be taken into account if he were in occupation of the land.".

Modifications etc. (not altering text)
C67 Sch. 17 para. 6 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 4**

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Commencement Information
I454 Sch. 17 para. 6 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

7 (1) In section 22(1) of the Land Compensation (Scotland) Act 1963 after "shall" there is inserted " (subject to subsection (3A) of this section) ".

(2) In section 22(3) of that Act, for the words from "but" to the end there is substituted—

"(3A) In determining—

(a) for the purpose referred to in subsection (1) of this section whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land; or

(b) whether any of the assumptions mentioned in section 24 of this Act (but not section 23) are applicable to the relevant land or any part thereof,

regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Part IV of this Act."

Modifications etc. (not altering text)
C68 Sch. 17 para. 7 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 6(1)**

Commencement Information
I455 Sch. 17 para. 7 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

8 In section 25 of that Act—

(a) for the words from the beginning of subsection (2) to "acquire it" there is substituted " If the authority proposing to acquire the interest ", and

(b) subsection (8) is omitted.

Modifications etc. (not altering text)
C69 Sch. 17 para. 8 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 6(1)**

Commencement Information
I456 Sch. 17 para. 8 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

9 In section 27(1) of that Act for "in the circumstances mentioned in section 25(1) of this Act" there is substituted " by an authority possessing compulsory purchase powers ".

Modifications etc. (not altering text)
C70 Sch. 17 para. 9 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 6(1)**

Commencement Information
I457 Sch. 17 para. 9 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

10 Section 30(3) of that Act is omitted.

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Modifications etc. (not altering text)
C71 Sch. 17 para. 10 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt.II para. 6(1)**

Commencement Information
I458 Sch. 17 para. 10 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Blighted land

11 In each of sections 182(1)(c) (power to serve blight notice) and 190(1)(b) (power of heritable creditor to serve blight notice) of the 1972 Act, after "interest" there is inserted " or the land falls within paragraph (d) or (g) of section 181(1) of this Act and the powers of compulsory acquisition remain exercisable ".

Commencement Information
I459 Sch. 17 para. 11 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Local authority and statutory undertakers' land

12 For section 218 (acquisition of land of statutory undertakers) of the 1972 Act, there is substituted—

"**218 Acquisition of land of statutory undertakers.**

(1) This section applies to any compulsory purchase order under this Act authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking.

(2) Paragraph 10 (protection of land of statutory undertakers) of Schedule 1 to the [M130]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall not apply to such an order confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would (apart from this subsection) have power to make or confirm it."

Commencement Information
I460 Sch. 17 para. 12 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations
M130 1947 c. 42.

Caravans etc. affected by noise of public works

13 (1) After section 18 of the [M131]Land Compensation (Scotland) Act 1973 there is inserted—

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"**18A Power to make payments in respect of caravans and other structures affected by noise of public works.**

(1) The Secretary of State may make regulations empowering responsible authorities to make a payment, not exceeding an amount specified in the regulations, in respect of any dwelling which—

(a) is not a building;

(b) is occupied by a person as his only or main residence; and

(c) is affected or likely to be affected by noise caused by the construction or use of public works.

(2) Regulations under this section may—

(a) make provision as to the level of noise giving rise to a power under the regulations and the area in which a dwelling must be situated if a power is to arise in respect of it;

(b) specify the classes of public works and of dwellings in respect of which a power is to arise, and the classes of persons entitled to make claims, under the regulations; and

(c) make provision as to the funds out of which expenses incurred by responsible authorities under the regulations are to be defrayed.

(3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Subsections (3), (6) and (11) of section 18 above apply for the purposes of this section as they apply for the purposes of that."

(2) This paragraph does not apply in relation to any public works if the relevant date for the purposes of Part I of the [M132]Land Compensation (Scotland) Act 1973 fell more than twelve months before the date on which this paragraph comes into force.

Commencement Information

I461 Sch. 17 para. 13 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations

M131 1973 c. 56.

M132 1973 c. 56.

Farm loss payments

14 (1) Section 31 of the Land Compensation (Scotland) Act 1973 (right to farm loss payment where person displaced from agricultural unit) is amended as follows.

(2) For subsection (1)(a) (section applies only if whole of land is acquired) there is substituted—

"(a) in consequence of the compulsory acquisition of his interest in the whole, or a sufficient part, of that land, he is displaced from the land acquired;".

(3) In subsection (2) (interests qualifying for compensation)—

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(a) for the words from "lease" where it first appears to "three years" there is substituted " where his interest is as a lessee for a year or from year to year or a greater interest, "; and

(b) at the end there is inserted " , and "sufficient part" means not less than 0.5 hectares or such other area as the Secretary of State may by order specify ".

(4) After that subsection there is inserted—

"(2A) The power to make an order under subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(5) At the end of subsection (3)(a) (meaning of displacement) there is added " or on any date after the making or confirmation of the compulsory purchase order but before being required to do so by the acquiring authority ".

(6) Subsection (6) is omitted.

Modifications etc. (not altering text)
C72 Sch. 17 para. 14 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I462 Sch. 17 para. 14 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Notice to quit agricultural holding; right to opt for notice of entry compensation

15 At the end of section 55(7) of the Land Compensation (Scotland) Act 1973 (which does not apply where land was Crown land at time of agreement to acquire it) there is inserted " and the reference in that subsection to an authority possessing compulsory purchase powers includes a person or body of persons who would be an authority possessing compulsory purchase powers if the landlord's interest were not an interest in Crown land (as defined by section 253(7) of the [M133]Town and Country Planning (Scotland) Act 1972). "

Modifications etc. (not altering text)
C73 Sch. 17 para. 15 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information
I463 Sch. 17 para. 15 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations
M133 1972 c. 52.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

Land Compensation (Scotland) Act 1963 (c.51)

16 In section 28 (power to prescribe matters relevant to Part IV) of the Land Compensation (Scotland) Act 1963, for the words "The provisions which may be made by a development order shall" there are substituted the words " Regulations made under section 273(1)(c) of the Town and Country Planning (Scotland) Act 1972 or a development order may ".

Commencement Information
I464 Sch. 17 para. 16 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

The 1972 Act

17 In section 181 of the 1972 Act (blighted land) for paragraph (h) of subsection (1) there is substituted—

"(h) is land comprised in the site of a road as proposed to be constructed, improved or altered by the Secretary of State if he has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the planning authority;".

Commencement Information
I465 Sch. 17 para. 17 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

18 In section 273 (regulations) of the 1972 Act, after subsection (1)(b) there is inserted "and

(c) for any of the purposes mentioned in section 28 (power to prescribe matters relevant to Part IV) of the [M134]Land Compensation (Scotland) Act 1963;".

Commencement Information
I466 Sch. 17 para. 18 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Marginal Citations
M134 1963 c. 51.

Land Compensation (Scotland) Act 1973 (c.56)

19 In section 24 (acquisition of land in connection with public works) of the Land Compensation (Scotland) Act 1973—

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in subsection (2) for the word "vendor" there shall be substituted the word " seller ", and

(b) in subsection (5), for "and (2)" there is substituted " (2) and (2A) ".

Commencement Information

I467 Sch. 17 para. 19 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

20 (1) Section 27 of that Act is amended as follows.

(2) In subsection (1)—

(a) in paragraph (ii), "passed the resolution" is omitted;

(b) "and" following paragraph (iii) is omitted; and

(c) after paragraph (iv) there is inserted " and ".

(3) In subsection (4), for paragraph (b) there is substituted—

"(b) a right to occupy the dwelling-house—

(i) as a statutory tenant within the meaning of the Rent (Scotland) Act 1984; or

(ii) under a contract to which Part VII of that Act applies or would apply if the contract or dwelling-house were not excluded by section 63(3) to (5) or under section 64(3) respectively of that Act; and".

Modifications etc. (not altering text)

C74 Sch. 17 para. 20 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 6(2)**

Commencement Information

I468 Sch. 17 para. 20 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

21 In section 48 (right to advance payment of compensation) of that Act—

(a) in subsection (8), after "the amount of the advance payment" there is inserted " together with any amount paid under section 48A ", and

(b) in subsection (9), the words following "unpaid" are omitted.

Modifications etc. (not altering text)

C75 Sch. 17 para. 21 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 4**

Commencement Information

I469 Sch. 17 para. 21 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

Local Government, Planning and Land Act 1980 (c. 65)

22 After section 141(5) of the Local Government, Planning and Land Act 1980 there is inserted—

"(5B) No compensation is payable, by virtue of an order under this section, under Part V of the Land Compensation (Scotland) Act 1963".

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I470 Sch. 17 para. 22 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2092, **art. 3**

SCHEDULE 18

Section 80.

COMPENSATION PROVISIONS REFERRED TO IN SECTION 80

Modifications etc. (not altering text)

C76 Sch. 18 restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 5**, Pt. II para. 6
Sch. 18 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 7**

Commencement Information

I471 Sch. 18 partly in force: Sch. 18 partly in force (E.W.) for certain purposes at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3** and wholly in force (E.W.) so far as not already in force, at 2.1.1992 by S.I. 1991/2728, **art. 3**; Sch. 18 partly in force (S.) at 25.9.1991 by S.I. 1991/2092, **art. 3**; Sch. 18 Pt. I in force for certain purposes (S.) at 30.8.1995 by S.I. 1995/2045, **art. 3**

PART I

PROVISIONS THAT DO NOT PROVIDE FOR INTEREST

Modifications etc. (not altering text)

C77 Sch. 18 Pt. I restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 5**

Commencement Information

I472 Sch. 18 Pt. I partly in force: Sch. 18 Pt. I partly in force (E.W.) for certain purposes at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3** and wholly in force (E.W.) so far as not already in force at 2.1.1992 by S.I. 1991/2728, **art. 3**; Sch. 18 Pt. I partly in force (S.) at 25.9.1991 by S.I. 1991/2092, **art. 3**

(1)	(2)
Enactment	**Date from which interest payable**
Enactments extending to Great Britain	
Section 10(4)(a) of the Forestry Act 1967 M135	Date of claim for compensation
Section 18(1)(a) of the Reservoirs Act 1975 M136	Date of entry on the land
Section 18(1)(b) of that Act	Date of claim for disturbance

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Section 7 of the M137 Ancient Monuments and Archaeological Areas Act 1979	Date of the refusal, or grant subject to conditions, of scheduled monument consent
Section 9 of that Act	Date works ceased to be authorised
Section 46 of that Act	Date of entry on the land
Enactments extending to England and Wales	
Section 31(3) of the M138 Land Compensation Act 1961	Date of withdrawal of notice to treat
Section 11(3) of the M139 Compulsory Purchase Act 1965	Date of entry on the land
Section 17(5) of the M140 Land Drainage Act 1976 (including that provision as applied by section 33(4) or 39(4))	Date of claim
Section 44(3) of that Act	Date of claim
Section 93(7) of that Act	Date of claim
Section 23 of the M141 Highways Act 1980	Date which would be the date from which interest is payable if the works were executed under Part V by a highway authority
Section 28(1) of that Act	Date of claim
Section 73(9) of that Act	Date of claim
Section 74(8) of that Act	Date of claim
Section 77(2) of that Act	In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim
Section 79(11) of that Act	In the case of loss, the date of the notice; and in the case of injurious affection, the date of claim
Section 79(12) of that Act	Date of service of the notice
Section 126(2) of that Act	Date of claim
Section 231 of that Act	In the case damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim
Section 292(1) of that Act	In the case of damage, the date of entry; in the case of disturbance, the date of claim
Section 57 of the M142 Public Health (Control of Disease) Act 1984	In the case damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim

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Section 106 of the Building Act 1984 **M143**	In the case damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim
Paragraph 5 of Schedule 14 to the Water Act 1989 **M144**	Date of the entry upon or occupation or use of the land
Paragraph 6(2) or (3) of that Schedule	Date of the order under section 131
Paragraph 6(4) of that Schedule	Date of decision to prohibit or limit taking of water
Paragraph 6(5) of that Schedule	Date of suspension or variation of consent to make discharges or of the attachment of conditions to such consent
Paragraph 6(1) of Schedule 19 to that Act	Date of claim
Paragraph 6(2) or (3) of that Schedule	In the case of loss or damage sustained by reason of expenditure, the date on which the loss or damage is sustained; otherwise the date of claim
Paragraph 8(2)(b) of that Schedule	Date loss is caused or damage done
Paragraph 8(1) of Schedule 20 to that Act	Date of claim
Paragraph 8(2) or (3) of that Schedule	In the case of loss or damage sustained by reason of expenditure, the date on which the loss or damage is sustained; otherwise the date of claim
Paragraph 8(4) of that Schedule	Date loss is caused or damage done
Section 107(1) of the principal Act	Date of order under section 97
Section 107(1) of that Act as applied by section 108(1)	Date planning permission is refused or granted subject to conditions
Section 115 of that Act	Date damage suffered or expenses incurred
Section 144(2) of that Act	Date of direction under section 141(3)
Section 186 of that Act	Date of service of stop notice
Section 203 of that Act	Date consent required by tree preservation order is refused or granted subject to conditions
Section 204 of that Act	Date direction is given by local planning authority or Secretary of State
Section 223 of that Act	Date expenses incurred
Section 250 of that Act	Date of order under section 249(2)
Section 279(1) of that Act	Date of decision made in accordance with section 266 or of order under section 97
Section 279(2) of that Act	Date right extinguished or requirement imposed

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Section 28 of **M145** Planning (Listed Buildings and Conservation Areas) Act 1990	Date of order under section 23
Section 29 of that Act	Date building preservation notice served
Section 16 of the **M146** Planning (Hazardous Substances) Act 1990	Date of order under section 14(1)
Section 19 of that Act	Date of modification or revocation of hazardous substances consent
Enactments extending to Scotland	
Section 2 of the **M147** Land Drainage (Scotland) Act 1930	Date loss is caused or damage done
Section 1 of the **M148** Land Drainage (Scotland) Act 1941	Date of injury or damage
Section 4 of the **M149** Land Drainage (Scotland) Act 1958	Date damage is suffered
Section 39(3) of the **M150** Land Compensation (Scotland) Act 1963	Date of withdrawal of notice to treat
Section 56J(8) of the 1972 Act	Date of order revoking or modifying consent
Section 56K(12) of the 1972 Act	Date of modification or revocation of consent
Section 153 of the 1972 Act	Date of order under section 42
Section 154 of the 1972 Act	Date permission is refused or granted subject to conditions
Section 159 of the 1972 Act	Date damage suffered or expenses incurred
Section 161 of the 1972 Act	Date of order under paragraph 9 of Schedule 10
Section 162 of the 1972 Act	Date building preservation notice served
Section 163 of the 1972 Act	Date consent required by tree preservation order is refused or granted subject to conditions
Section 164 of the 1972 Act	Date requirement is imposed by planning authority or Secretary of State
Section 165 of the 1972 Act	Date expenses incurred
Section 166 of the 1972 Act	Date of service of stop notice
Section 167A of the 1972 Act	Date order made
Section 176 of the 1972 Act	Date of direction under section 172(3)

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Section 201(5) of the 1972 Act	Date on which order takes effect
Section 226 of the 1972 Act	Date planning permission refused or granted subject to conditions
Section 10 of the M151 Water (Scotland) Act 1980	Date damage sustained
Schedule 6 to that Act	Date source or land is affected or injury is sustained
Section 71 of the M152 Roads (Scotland) Act 1984	Date access stopped up or limited
Section 72 of that Act	Date access stopped up
Section 83(8) of that Act	As regards expenses, date expenses incurred; as regards injurious effect, date injury sustained
Section 88(2) of that Act	Date on which damage sustained
Section 106 of that Act	As regards compulsory acquisition, date on which compulsory purchase notice first published; as regards acquisition by agreement, date agreement made.
Section 116 of that Act	Date on which damage sustained
Section 121 of that Act	Date on which damage done or materials removed
Section 140 of that Act	Date of damage or disturbance

Marginal Citations

M135 1967 c. 10
M136 1975 c. 23
M137 1979 c. 46
M138 1961 c. 33
M139 1965 c. 56
M140 1976 c. 70
M141 1980 c. 66
M142 1984 c. 22
M143 1984 c. 55
M144 1989 c. 15
M145 1990 c. 9
M146 1990 c. 10
M147 1930 c. 20
M148 1941 c. 13
M149 1958 c. 24
M150 1963 c. 51
M151 1980 c. 45
M152 1984 c. 54

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART II

PROVISIONS THAT PROVIDE FOR INTEREST

Commencement Information

I473 Sch. 18 Pt. II partly in force; Sch. 18 Pt. II in force (E.W.) for certain purposes at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3** and wholly in force (E.W.) so far as not already in force, at 2.1.1992 by S.I. 1991/2728, **art. 3**; Sch. 18 Pt. II in force (S.) for certain purposes at 25.9.1991 by S.I. 1991/2092, **art. 3**

Enactments extending to England and Wales

Section 23 of the [M153]Land Compensation Act 1961 (permission for additional development granted after acquisition).

Marginal Citations

M153 1961 c. 33.

The following provisions of the [M154]Compulsory Purchase Act 1965—

section 5 (notice to treat ceasing to have effect), and

section 11(1) (entry on land under compulsory purchase powers).

Marginal Citations

M154 1965 c. 56.

The following provisions of the [M155]Land Compensation Act 1973—

section 18 (claims under Part I of that Act),

section 36(6) (farm loss payment),

section 37(6) (disturbance payments), and

section 63(1) (injurious affection payments under section 10 of the Compulsory Purchase Act 1965).

Marginal Citations

M155 1973 c. 26.

Rule 38 of the [M156]Lands Tribunal Rules 1975 (awards with interest by Lands Tribunal).

Marginal Citations

M156 S.I.1975/299.

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Enactments extending to Scotland

Sections 84 to 86 of the [M157]Lands Clauses Consolidation (Scotland) Act 1845.

Marginal Citations
M157 1845 c. 19.

Paragraph 3 of Schedule 2 to the [M158]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

Marginal Citations
M158 1947 c. 42.

Section 31 (compensation where planning decision made after acquisition) of the [M159]Land Compensation (Scotland) Act 1963.

Marginal Citations
M159 1963 c. 51.

The following provisions of the [M160]Land Compensation (Scotland) Act 1973—

section 16 (interest on compensation),

section 33(6) (supplementary provisions about farm loss payments),

section 34(5) (disturbance payments for people without compensatable interests),

section 59 (interest on compensation for injurious affection where no land taken).

Marginal Citations
M160 1973 c. 56.

Section 78 of this Act.

SCHEDULE 19

Section 84.

REPEALS

Modifications etc. (not altering text)
C78 Sch. 19 restricted (18.9.1991) so far as it relates to certain repeals in Pt. IV by S.I. 1991/2092, art. 4, **Sch. 2 Pt.I para. 6**, Pt.II para. 8

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I474 Sch. 19: for commencement information relating to this Schedule see in force commentary attached to Pts. I-V respectively.

PART I

PLANNING: ENGLAND AND WALES

Commencement Information

I475 Sch. 19 Pt. I wholly in force; Sch. 19 Pt. I not in force at Royal Assent see s. 84(2); Sch. 19 Pt. I in force in so far as it relates to specified repeals as follows: at 25.9.1991 by S.I. 1991/2067, art. 3, **Sch. 1**; at 2.1.1992 by S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5 of that S.I.); at 10.2.1992 by S.I. 1991/2905, art. 4, **Sch. 3**; at 6.4.1992 by S.I. 1992/665, **art. 2**; at 17.7.1992 by S.I. 1992/1491, art. 2, **Sch. 2**; at 27.7.1992 by S.I. 1992/1630, art. 2, **Sch. 2**; at 9.11.1992 by S.I. 1992/2831, art. 2, **Sch.**

Chapter	Short title	Extent of repeal
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	In section 7(5) paragraph (a) (iii).
1990 c. 8.	Town and Country Planning Act 1990.	In section 12(4)(a), "other" (in the second place where it occurs) and "or for any description of development or other use of such land". Section 14(3). In section 21(2) "Subject to section 22". Section 22. Section 23(2) to (4), (9) and (10). In section 49 "repeal". In section 50, in subsection (1) "for the repeal and", subsections (2) and (3), in subsections (4) and (5) "repeal and", in subsection (6) "repeal", in paragraph (a) the words from the beginning to "except that", "or 40(2)(a)" and "or 40(3)" and in paragraph (b) "and they may do so as respects any part of their area to which the proposals relate"

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	and in subsection (8) “repeal” and “in accordance with the provisions of the relevant local plan scheme”.
	In section 51(1) “repeal” (in both places).
	Section 52(2) and (3).
	In section 53, in subsections (1) and (2)(b) “repeal”, in subsection (2)(g) “repealing” and subsection (5).
	Section 55(6).
	Section 63.
	Section 64.
	In section 69, in subsection (1) “made to that authority” and in subsection (3) “made to the authority”.
	In section 74(2) “section 71 of this Act and”.
	In section 97(5) the words from “and Part II of Schedule 5” to the end.
	In section 176(4) “in writing”.
	In section 178(2) “(as defined in section 172(3))”.
	In section 186(1)(c) the words from “or for its retention” to “granted”.
	In section 188(1) the “and” immediately preceding paragraph (b).
	Section 190(4).
	In section 196 “an application referred to him under section 192(5) or” (in subsection (1)), and “an application or” (in subsection (3)), and subsections (5) to (7).
	In section 198(4)(a) “to 68”.

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	In section 210, in subsection (3) "on indictment" and subsection (5).
	Section 219(6).
	In section 220(3)(a) "to 68".
	Section 221(7) to (9).
	Section 250(2).
	Section 266(3).
	In section 284, in subsection (1)(a) "repeal" (in both places) and in subsection (3)(g) the words from "on an application" to "or".
	In section 285, in subsection (1) "Subject to the provisions of this section", in subsection (2) "(6) to (8)" and subsections (5) and (6).
	Section 286(1)(b).
	In section 287(1), (2), (3) and (5) "repeal" in each place where it occurs.
	Section 290.
	In section 306(2) "repeal".
	In section 324, in subsection (1)(b) "198 to 200", in subsection (1)(c) "Part VII" and subsection (2).
	In section 336(1), the definitions of "development consisting of the winning and working of minerals", "established use certificate" and "mineral compensation modifications", in the definition of "owner" the words "(except in sections 66, 67 and 71)", in the definition of "planning permission" the words from "and in construing" to the end, the definitions of "relevant order", "restriction on the winning and working

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	of minerals" and "special consultations" and in section 336(9) "(1) to (3)".
	In Schedule 1, paragraphs 1(2), 3(3) to (6), 4(1) and 9(2) and (3).
	In Schedule 2, in Part I paragraphs 3, 5 and 6, and in Part II paragraphs 3 to 16 and 18.
	In Schedule 5, in paragraph 1(6) "consisting of the winning and working of minerals".
	In Schedule 6, in paragraph 2, in sub-paragraph (1)(c) "and subsection (5) of section 196" and in sub-paragraph (8) "or 290".
	In Schedule 7, in paragraph 13(2)(e) the words from "for the purpose" to "6(2)".
	Schedule 11.
	In Schedule 13, Notes (2) and (5) to paragraph 2, in Note (3) to paragraph 2 "also", in Note (1)(b) to paragraph 3 "or under section 22", in Note (2) to paragraph 3 "13(7) or", in Note (1)(b) to paragraph 4 "or under section 22" and in Note (2) to paragraph 4 "13(7) or".
	In Schedule 16, in Part I, in the entry relating to section 77 "(2) and (9), 66 and 67", in the entry relating to sections 78 and 79 the words from "with" to the end and in the entry relating to section 285 "except subsections (5) and (6)"; and in Part III, the entries relating to sections 312(2) and 324(4); and Parts IV and V.

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1990 c. 9.	Planning (Listed Buildings and Conservation Areas) Act 1990.	In section 9(5) "on indictment". In section 38(2) "within such period as may be so specified". In section 39(7) "in writing". Section 42(7). Section 55(6). In section 88(6) "or the presence of minerals in it". In section 90(6)(b) "and 42(6)". In section 92(2)(b) "and 42(6)".
1990 c. 10.	Planning (Hazardous Substances) Act 1990.	In section 25(1)(c) "(1) to (5) and (7)". In section 36(5) "Subject to subsection (6)".
1990 c. 11.	Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraphs 3(2), 35(1)(b) and 38. In Schedule 4, in paragraph 1, in the Table the entry relating to section 9(4) of the 1971 Act and paragraph 2 of the Schedule, and paragraph 2 of the Schedule.

PART II

PLANNING COMPENSATION REPEALS

Modifications etc. (not altering text)
C79 Sch. 19 Pt. II restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. II para. 7(1)**

Commencement Information
I476 Sch. 19 Pt. II wholly in force; Sch. 19 Pt. II in force at Royal Assent in relation to specified repeals see s. 84(4); Sch. 19 Pt. II in force in so far as not already in force at 25.9.1991 by S.I. 1991/2067, **art. 3**.

Chapter	Short title	Extent of repeal
1961 c. 33.	Land Compensation Act 1961.	In section 15(4) paragraphs (a) and (b).

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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1965 c. 36.	Gas Act 1965.	In Schedule 3, paragraph 3.
1968 c. 14.	Public Expenditure and Receipts Act 1968.	In Schedule 3, paragraph 7(b).
1973 c. 26.	Land Compensation Act 1973.	In section 5(3), paragraphs (a) and (b).
1982 c. 16.	Civil Aviation Act 1982.	In section 53(1)(a) “114”.
1986 c. 31.	Airports Act 1986.	In section 61(1)(a) “114”.
1990 c. 8.	Town and Country Planning Act 1990.	Section 55(6).
		Sections 80 and 81.
		In section 111(1) and (2) “new” (in both places).
		In section 112, in subsection (9) “new”, subsection (12)(a) and in subsection (13) “paragraph (a) or paragraph (b) of”.
		Sections 113 and 114.
		Part V.
		In section 198(4)(a) “80, 81”.
		In section 220(3)(a) “80, 81”.
		In section 262(4) and (7)(a) “123”.
		In section 263(3) “123(3) and (4)”.
		Section 284(3)(c).
		In section 308, in subsection (1)(b) “or 132(1)”, in subsection (2) “or, as the case may be, section 132(4)” and in subsection (6) “and in section 309”.
		Section 309.
		In section 310 “or 309”.
		In section 311(1)(b) “or V”.
		Section 312.
		In section 313 “Without prejudice to section 312, and”.

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		In section 315(2), the words from "and in relation" to "in respect of such land".
		Section 324(4).
		Sections 326 and 327.
		In section 336(1) the definitions of "new development" and "previous apportionment".
		In Schedule 1, in paragraph 16(1) "114".
		In Schedule 3, paragraphs 3 to 8, 11 and 14.
		Schedule 12.
		In Schedule 16, in Parts III and VI, the entries relating to Schedule 12.
1990 c. 9.	Planning (Listed Buildings and Conservation Areas) Act 1990.	Section 27.
		In section 30, subsection (1)(a) and in subsection (2) "27".
		In section 49 the words from "other than" to the end.
		In section 88(4) "27".
		In section 91(2) "new development".
1990 c. 11.	Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraphs 12(3)(a), 18, 24(3)(a)(i) and, in paragraph 29(2) paragraph (a) and, in paragraph (b), sub-paragraphs (i) and (ii).

The repeals in Part II have effect subject to section 31(7) and (8) of this Act and paragraphs 1(2), 5(2) and 13(2) of Schedule 6.

PART III

LAND COMPENSATION: ENGLAND AND WALES

Modifications etc. (not altering text)
C80 Sch. 19 Pt. III restricted (9.9.1991) by S.I. 1991/2067, art. 4, **Sch. 2 Pt. I para. 6**, Pt. II para. 7(2)

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Commencement Information

I477 Sch. 19 Pt. III wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3** (subject to art. 4 of that S.I.).

Chapter	Short title	Extent of repeal
1961 c. 33.	Land Compensation Act 1961.	In section 5, in rule (3), "the special needs of a particular purchaser or". Section 17(8). Section 22(3).
1973 c. 26.	Land Compensation Act 1973.	In section 29, in subsection (1) "passed the resolution" in paragraph (ii) and the "and" following paragraph (iii), in subsection (3A) the words from "of the service" to "(1)(b) above" and subsection (5). Section 34(6). In section 52(10), the words following "unpaid".
1973 c. 56.	Land Compensation (Scotland) Act 1973.	In Part II of Schedule 2, the entry for section 33(4) of the Land Compensation Act 1973.
1980 c. 65.	Local Government, Planning and Land Act 1980.	Section 114(2).
1981 c. 67.	Acquisition of Land Act 1981.	Section 20.Paragraph 7 of Schedule 3.
1985 c. 71.	Housing (Consequential Provisions) Act 1985.	In Schedule 2, paragraph 24(2)(c).
1986 c. 63.	Housing and Planning Act 1986.	Section 9(3)(c).
1990 c. 8.	Town and Country Planning Act 1990.	In section 231, the words from "for a purpose" to "is situated".
1990 c. 11.	Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 29(4).

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Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART IV

SCOTLAND

Modifications etc. (not altering text)

C81 Sch. 19 restricted (18.9.1991) in so far as it relates to certain repeals in Pt. IV by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 6**, Pt. II para. 8

Commencement Information

I478 Sch. 19 Pt. IV partly in force; Sch. 19 Pt. IV in force at Royal Assent in so far as it relates to specified repeals see s. 84(2)(4); Sch. 19 Pt. IV in force in so far as it relates to further specified repeals as follows: at 25.9.1991 by S.I. 1991/2067, art. 3, **Sch. 1** and by S.I. 1991/2092, **art. 3**; at 26.3.1992 by S.I. 1992/334, art. 4, **Sch. 1** (subject to art. 5 of that S.I.); at 25.9.1992 by S.I. 1992/1937, art. 4, **Sch.** (subject to art. 5 of that S.I.); at 3.2.1995 by 1994/3292, art. 3

Chapter	Short title	Extent of repeal
1963 c.51	Land Compensation (Scotland) Act 1963.	In section 12, in rule 3, the words “the special needs of a particular purchaser or".
		Section 23(4)(a) and (b).
		Section 25(8).
		Section 30(3).
1965 c. 36.	Gas Act 1965.	In Schedule 3, paragraph 3.
1968 c. 14.	Public Expenditure and Receipts Act 1968.	In Schedule 3, paragraph 7(a).
1972 c. 52.	Town and Country Planning (Scotland) Act 1972.	Section 19(5).
		In section 28(1), the words “Subject to the provisions of section 26(2) to (5) of this Act,".
		Section 35.
		Section 36.
		In section 41A(6) and (7), the words “consisting of the winning and working of minerals".
		Section 51.
		In section 58(2)(a), “35, 36,".
		Section 61(6).
		In section 85, in subsection (5), the words “or for varying the terms

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	of the notice in favour of the appellant"; and subsection (11).
	In section 88(1), the words “(other than the discontinuance of a use of land)".
	In section 88(2), the words “(as defined in section 84(2) of this Act)".
	Section 91(3) and (5).
	In section 93, subsection (1)(k) and, in subsection (5), the words “or for varying the terms of the notice in favour of the appellant".
	In section 98(1), the words “on indictment" where second occurring.
	Section 98(3).
	Section 101(1) and, in subsection (2), the words from “Without" to “this section".
	In section 106, the words from “other than" to the end.
	Part VII (except section 145).
	Section 153A.
	In section 155(5), the words from “and subsection (5)" to the end.
	In section 155(6), the words “and in section 156 of this Act".
	Section 156.
	Section 157(1).
	In section 157(3), the words from “(a)" to “(b)" and, in the proviso, the words “paragraph (a) or".
	Section 157(4).
	Section 158.
	Section 159A.

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	Section 159B.
	Section 160.
	In section 166(2)(c), the words from “or for its retention" to “granted".
	Section 167B.
	Section 167C.
	Section 169(3).
	In section 201(5), the definition of “lawful access".
	Section 214(3).
	Section 231(3)(c).
	Section 234.
	In section 244(2), the words from “subsection (4)" to “applied by".
	Section 245.
	In section 246, the words “or 245".
	Section 248.
	In section 249, the words “Without prejudice to section 248 of this Act, and".
	In section 251(1A), the definition of “development consisting of the winning and working of minerals".
	Section 263.
	Section 264.
	In section 265, in subsection (1)(b), the words “58 or"; subsection (2A)(a); in subsection (4), the words “or 99"; and in subsection (5), the words “Part VII of".
	In section 275(1), the definitions of “development consisting of the winning and working of minerals", “established use certificate", and “new development"; in the definition of “planning

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		permission" the words from "and in construing" to the end; and the definition of "previous apportionment".
		In Schedule 6, paragraphs 3 to 9 and 12.
		In Schedule 6A, in paragraph 12(2)(e), the words from "for the purpose" to "5(3)".
		In Schedule 7, in paragraph 2(1)(c), the words "and (3)".
		Schedules 12 to 15.
		In Part I of Schedule 19, "section 158 except subsection (5)".
1973 c. 56.	Land Compensation (Scotland) Act 1973.	Section 5(3)(a) and (b).
		In section 27, in subsection (1), the words "passed the resolution" in paragraph (ii), and the word "and" following paragraph (iii); and subsection (5).
		Section 31(6).
		Section 48(9)(b).
		In Part II of Schedule 2, the entry for section 33(4) of the Land Compensation Act 1973.
1980 c. 65.	Local Government, Planning and Land Act 1980.	Section 114(2).
1982 c. 16.	Civil Aviation Act 1982.	In section 53(1)(a), the word "158".
1986 c. 31.	Airports Act 1986.	In section 61(1)(a), the word "158".

PART V

NEW STREET BYELAWS

Commencement Information

I479 Sch. 19 Pt. V wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2067, **art. 3**.

Status: *Point in time view as at 13/10/1991. This version of this Act contains provisions that are not valid for this point in time.*
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Chapter	Short title	Extent of repeal
1980 c. 66.	Highways Act 1980.	Part X.
		Section 203(2)(b)(ii).
		In section 232(9), in the definition of "byelaw width", the word "byelaws".
		In section 307(1) the words "193, 200(2)".
		Section 325(1)(c).
		In section 326(1) the words "or 186".
		In Schedule 22 paragraph 4.
		In Schedule 23 paragraphs 10 and 11.
1985 c. 51.	Local Government Act 1985.	In Schedule 4, paragraphs 29 to 32.
1985 c. 68.	Housing Act 1985.	In section 622, in the definition of "building regulations", paragraph (b).
1990 c. 8.	Town and Country Planning Act 1990.	In paragraph 2 of Schedule 17 the words— "Sections 188, 193 and 196 Section 200(2) and (4)".
		In Schedule 17, in paragraph 3, sub-paragraphs (a) and (c)(iii).

The repeals in Part V are subject to the savings in section 81(2) of this Act.

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Changes to legislation:
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