

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)

## SCHEDULES

### 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.”

##### **Commencement Information**

- II** 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.

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, ”.

*Status: Point in time view as at 25/07/1991. This version of this  
 schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the  
 Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

- 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 that behalf made to the planning authority in accordance with the regulations or the order.”
- 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.”
- 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 ”.

VALID FROM 26/03/1992

- 8 For section 29 there is substituted—

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

#### **“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**

- I2** 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 ”.

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 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

#### Commencement Information

- I3** 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”.
- 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”.

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”.

#### Commencement Information

- I4** 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”.

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)

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**

- I5** 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.

VALID FROM 25/09/1992

- 17 Section 51 is omitted.

**Commencement Information**

- I6** 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”.

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)

#### Commencement Information

- 17** 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

- 18** 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—
        - (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;”;
      - (ii) in paragraph (b) for “84(5)” there is substituted “84(2)”;
  - (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;

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

- (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—
- “(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

- 19** 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.).

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

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**

**I10** 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 ”.

**Commencement Information**

**I11** 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**

**I12** 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)—



*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

- (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

**I13** 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.
- (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

**I14** 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 ”;

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

- (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

**I15** 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

**I16** 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.

- 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.”

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 ”.

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)

#### Commencement Information

**I17** 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.

#### Commencement Information

**I18** 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

**I19** 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.

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)

**Commencement Information**

**I20** 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**

**I21** 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.

**Commencement Information**

**I22** 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**

**I23** 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 ”.

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)

#### Modifications etc. (not altering text)

**C1** Sch. 13 para. 36 restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. II para. 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

**I24** 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 ”;
- (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 ”.

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

**I25** 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.

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)

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;”
  - (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)

**C2** Sch. 13 para. 40(1)(c) restricted (15.12.1994) by S.I. 1994/3292, [art.4](#)

#### Commencement Information

**I26** 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) ”.

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

VALID FROM 03/02/1995

42 In paragraph 2 of Schedule 10 (control of works for demolition etc.), in subparagraph (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)”.

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.”

*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”.

*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

- (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 ”.

VALID FROM 13/10/1991

*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 <sup>M1</sup>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**

**I27** 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**

**M1** 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**

**I28** 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.).



*Status: Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13. (See end of Document for details)*

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”.
- (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**

- I29** 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.).

**Status:**

Point in time view as at 25/07/1991. This version of this schedule contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Planning and Compensation Act 1991, SCHEDULE 13.