



# Town and Country Planning Act 1962

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## PART XIV

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### **207 Default powers of Minister**

- (1) If it appears to the Minister, after consultation with the local planning authority, to be expedient that any order to which this subsection applies should be made, he may give directions to the local planning authority requiring them to submit to him such an order for his confirmation, or may himself make such an order ; and any order so made by the Minister shall have the like effect as if it had been made by the local planning authority and confirmed by the Minister under Part III of this Act.
- (2) The preceding subsection applies to the following orders, that is to say.—
  - (a) orders under section twenty-seven of this Act, or under the provisions of that section as applied by any order or regulations made under Part III of this Act;
  - (b) orders under section twenty-eight of this Act;
  - (c) tree preservation orders and building preservation orders, and orders amending or revoking tree preservation orders or building preservation orders.
- (3) The provisions of Part III of this Act, and of any regulations made thereunder, with respect to the procedure to be followed in connection with the submission by the local planning authority of any order to which subsection (1) of this section applies, with respect to the confirmation of such an order by the Minister, and with respect to the service of copies thereof as so confirmed, shall have effect, subject to any necessary modifications, in relation to any proposal by the Minister to make such an order by virtue of subsection (1) of this section, in relation to the making thereof by the Minister, and in relation to the service of copies thereof as so made.
- (4) If it appears to the Minister, after consultation with the local planning authority, to be expedient that—

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- (a) an enforcement notice under section forty-five of this Act, or under the provisions of that section as applied by a building preservation order or by regulations under section thirty-four of this Act, or
- (b) a notice under section thirty-six or section fifty-two of this Act,

should be served in respect of any land, he may give directions to the local planning authority requiring them to serve such a notice, or may himself serve such a notice; and any notice so served by the Minister shall have the like effect as a notice served by the local planning authority:

Provided that, in relation to an enforcement notice so served by the Minister, the provisions of sections forty-seven to forty-nine and section fifty-one of this Act shall apply as if, for any reference therein to the local planning authority, there were substituted a reference to the Minister.

(5) If the Minister is satisfied, after holding a local inquiry.—

- (a) that the council of a county borough or county district have failed to take steps for the acquisition of any land which, in the opinion of the Minister, ought to be acquired by that council under section sixty-eight of this Act, for the purpose of securing its use in the manner proposed by the development plan, or
- (b) that a local authority have failed to carry out, on land acquired by them under section sixty-eight of this Act, or appropriated by them under section seventy-three of this Act, any development which, in the opinion of the Minister, ought to be carried out,

the Minister may by order require the council or authority to take such steps as may be specified in the order for acquiring the land, or carrying out the development, as the case may be.

(6) Any order under the last preceding subsection shall be enforceable, on the application of the Minister, by mandamus.

## **208 Recovery, on subsequent development, of payments in respect of war-damaged land**

- (1) In relation to notices registered under section fifty-seven of the Act of 1954 (which provided for the registration of notices of payments made under section fifty-nine of the Act of 1947) the provisions of sections one hundred and thirteen and one hundred and fourteen of this Act shall have effect (subject to the following provisions of this section) as they have effect in relation to notices registered under section one hundred and twelve of this Act.
- (2) The said provisions shall have effect as mentioned in the preceding subsection, but as if—
  - (a) any reference therein to the compensation specified in a notice were a reference to the payment so specified, and
  - (b) section one hundred and thirteen of this Act applied to every description of new development.
- (3) No amount shall be recoverable by the Minister by virtue of this section in respect of any land in relation to which an amount has become recoverable under section one hundred and ninety-one of this Act.
- (4) Subsection (5) of section one hundred and ninety-one of this Act shall apply for the purposes of this section as it applies for the purposes of that section.

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## **209 Development charges**

The provisions of the Tenth Schedule to this Act (which relates to development charges) shall have effect.

## **210 Temporary provisions pending operation of development plans**

Where, in accordance with the provisions of Part III or Part IV of this Act, a local planning authority are required to have regard to the provisions of the development plan in relation to the exercise of any of their functions, then, in relation to the exercise of those functions during any period before such a plan has become operative with respect to the area of that authority, the authority—

- (a) shall have regard to any directions which may be or have been given to them by the Minister as to the provisions to be included in such a plan, and
- (b) subject to any such directions, shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of their area.

## **211 Rights of entry**

- (1) Any person duly authorised in writing by the Minister or by a local planning authority may at any reasonable time enter upon any land for the purpose of surveying it in connection with—
  - (a) the preparation, approval, making or amendment of a development plan relating to the land under Part II of this Act, including the carrying out of any survey under Part II of this Act;
  - (b) any application under Part III of this Act, or under any order or regulations made thereunder, for any permission, consent or determination to be given or made in connection with that land or any other land under Part III of this Act or under any such order or regulations;
  - (c) any proposal by the local planning authority or by the Minister to make or serve any order or notice under Part III or Part IV of this Act, or under any order or regulations made thereunder.
- (2) Any person, being an officer of the Valuation Office or a person duly authorised in writing by the Minister, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation under Part VI of this Act in respect of that land or any other land.
- (3) Any person, being an officer of the Valuation Office or a person duly authorised in writing by a local planning authority, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of that land or any other land, being compensation payable by the local planning authority under Part VII of this Act or under Part X thereof, otherwise than as mentioned in subsection (2) of section one hundred and seventy or in paragraph (c) of subsection (1) of section one hundred and seventy-one of this Act.
- (4) Any person, being an officer of the Valuation Office or a person duly authorised in writing by a Minister having power to acquire land designated by a development plan under this Act as subject to compulsory acquisition, or to authorise the acquisition of land so designated, and any person duly authorised in writing by a local authority having power to acquire land under Part V of this Act, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection

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with any proposal to acquire that land or any other land, or in connection with any claim for compensation in respect of any such acquisition.

- (5) Any person duly authorised in writing by the Minister or by a local planning authority may at any reasonable time enter upon any land in respect of which an order or notice has been made or served as mentioned in paragraph (c) of subsection (1) of this section, for the purpose of ascertaining whether the order or notice has been complied with.
- (6) Subject to the provisions of the next following section, any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein.

## 212 Supplementary provisions as to rights of entry

- (1) A person authorised under the last preceding section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and 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) Any person who wilfully obstructs a person acting in the exercise of his powers under the last preceding section shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (3) If any person who, in compliance with the provisions of the last preceding section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the premises, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.
- (4) Where any land is damaged in the exercise of a right of entry conferred under the last preceding section, or in the making of any survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Minister or authority on whose behalf the entry was effected.
- (5) The provisions of section one hundred and twenty-eight of this Act shall apply in relation to compensation under the last preceding subsection as they apply in relation to compensation under Part VII of this Act.
- (6) Where under the last preceding section a person proposes to carry out any works authorised by virtue of subsection (6) of that section—
  - (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by subsection (1) of this section, and
  - (b) if the land in question is held by statutory undertakers, and those undertakers object to the proposed works on the grounds that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

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## **213 Local inquiries**

- (1) The Minister may cause a local inquiry to be held for the purposes of the exercise of any of his functions under any of the provisions of this Act.
- (2) The provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall have effect with respect to any inquiry held by virtue of this section as if the Minister were a department for the purposes of that section.

## **214 Service of notices**

- (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either—
  - (a) by delivering it to the person on whom it is to be served or to whom it is to be given, or
  - (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address, or
  - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address, or
  - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—
  - (a) being addressed to him either by name or by the description of “the owner ” or “the occupier ”, as the case may be, of the premises (describing them) it is delivered or sent in the manner specified in paragraph (a), paragraph (b) or paragraph (c) of the preceding subsection, or
  - (b) being so addressed, and marked in such manner as may be prescribed by regulations under this Act for securing that it shall be plainly identifiable as a communication of importance, it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.
- (3) Where the notice or other document is required to be served on or given to all persons having interests in, or being Occupiers of, premises comprised in any land, and it appears to the authority required or authorised to serve or give the notice or other document -that any part of that land is unoccupied, the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has given to that authority an address for the service of the notice or document on him) if it is addressed to “the owners and any occupiers ” of that part of the land (describing it) and is affixed conspicuously to some object on the land.

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## **215 Power to require information as to interests in land**

- (1) For the purpose of enabling the Minister or a local authority to make an order or serve any notice or other document which, by any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto, he or they are authorised or required to make or serve, the Minister or the local authority may require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to state in writing the nature of his interest therein, and the name and address of any other person known to him as having an interest therein, whether as a freeholder, mortgagee, lessee or otherwise.
- (2) Any person who, having been required in pursuance of this section to give any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

## **216 Combined applications**

- (1) Regulations made under this Act may provide for the combination in a single document, made in such form and transmitted to such authority as may be prescribed by the regulations, of—
  - (a) an application for planning permission in respect of any development, and
  - (b) an application required, under any enactment specified in the regulations, to be made to a local authority in respect of that development.
- (2) Before making any regulations under this section, the Minister shall consult with such local authorities or associations of local authorities as appear to him to be concerned.
- (3) Different provision may be made by any such regulations in relation to areas in which different enactments are in force.
- (4) An application required to be made to a local authority under an enactment specified in any such regulations shall, if made in accordance with the provisions of the regulations, be valid notwithstanding anything in that enactment prescribing, or enabling any authority to prescribe, the form in which, or the manner in which, such an application is to be made.
- (5) The last preceding subsection shall have effect without prejudice to—
  - (a) the validity of any application made in accordance with the enactment in question ; or
  - (b) any provision of that enactment enabling a local authority to require further particulars of the matters to which the application relates.
- (6) In this section “application ” includes a submission.

## **217 Regulations and orders**

- (1) The Minister may make regulations under this Act—
  - (a) for prescribing the form of any notice, order or other document authorised or required by any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto to be served, made or issued by any local authority ;
  - (b) for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which regulations are authorised or required to be made by another Minister.

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- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this Act (except regulations which, by virtue of any provision of this Act, are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by any of the provisions of this Act specified in paragraphs 1 and 3 of the Eighth Schedule thereto to make an order shall include power to vary or revoke any such order by a subsequent order.
- (4) The power to make orders conferred by subsection (2) of section two of this Act, or for the purposes of paragraph (f) of subsection (2) of section twelve of this Act, and the power to make development orders under section fourteen of this Act, shall be exercisable by statutory instrument; and any statutory instrument—
  - (a) which contains an order under subsection (2) of section two of this Act which has been made after a local inquiry has been held in accordance with the proviso to that subsection, or
  - (b) which contains a development order,shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Without prejudice to the last preceding subsection, where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the enactments specified in the Eleventh Schedule to this Act) the order shall not have effect until that provision is approved by a resolution of each House of Parliament.
- (6) Any power (exercisable in accordance with subsection (2) of section two hundred and twenty-five of this Act) to make regulations or orders under this Act before the date of the commencement of this Act shall include power, by any regulations or order so made, to revoke any regulations or order made under any of the enactments which, as from that date, are repealed by this Act or having effect by virtue of any of those enactments as if made thereunder.

## **218 Exercise of functions of Board of Trade**

Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, undersecretary or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

## **219 Licensing planning areas**

- (1) Where the united district for which, by an order under section two of this Act, a joint planning board is constituted comprises a licensing planning area, or the "whole or part of such a united district is included in a licensing planning area, the Secretary of State may by order revoke or vary any order made under Part II of the Licensing Act, 1953, so far as may be necessary or expedient in consequence of the order under section two of this Act.
- (2) Subject to the preceding subsection, nothing in any order made under section two of this Act shall affect the validity of any order made under Part II of the Licensing Act, 1953, before the date of the order under section two of this Act.

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## 220 Act not excluded by special enactments

For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of the Act of 1947, or by any local Act passed at any time during the Session of Parliament held during the regnal years 10 & 11 Geo. 6, for authorising or regulating any development of the land.

## 221 Interpretation

- (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

“the Act of 1944 ” means the Town and Country Planning Act, 1944;

“the Act of 1947 ” means the Town and Country Planning Act, 1947;

“the Act of 1954 ” means the Town and Country Planning Act, 1954;

“the Act of 1959 ” means the Town and Country Planning Act, 1959;

“advertisement ” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“agriculture ” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“the appointed day ” means the first day of July, nineteen hundred and forty-eight;

“the appropriate Minister ”—

- (a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, means the Minister of Power ;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of water, means the Minister; and
- (c) in relation to any other statutory undertakers, means the Minister of Transport;

“area of extensive war damage ” and “area of bad lay-out or obsolete development ” mean respectively an area consisting of land shown to the satisfaction of the Minister to have sustained war damage or, as the case may be, to be badly laid out or of obsolete development, or consisting of such land together with other land contiguous or adjacent thereto, being in each case



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land comprised in an area which is defined by a development plan as an area of comprehensive development;

“authority possessing compulsory purchase powers ”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition, and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected, or a body (being a parish council or parish meeting or the council of a borough included in a rural district) on whose behalf a county council could be or have been so authorised;

“authority to whom Part II of the Act of 1959 applies ” means a body of any of the descriptions specified in Part I of the Fourth Schedule to the Act of 1959 ;

“building ” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

“buildings or works ” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

“building operations ” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

“building preservation order ” has the meaning assigned to it by section thirty of this Act;

“caravan site ” has the meaning assigned to it by subsection (4) of section one of the Caravan Sites and Control of Development Act, 1960;

“clearing ”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation thereto as may be prescribed;

“common ” includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green;

“compulsory acquisition ” does not include the vesting in a person by an Act of Parliament of property previously vested in some other person ;

“corporate land ” has the same meaning as in the Local Government Act, 1933 ;

“development ” has the meaning assigned to it by section twelve of this Act, and “develop ” shall be construed accordingly;

“development order ” has the meaning assigned to it by section fourteen of this Act;

“development plan ” has the meaning assigned to it by section four of this Act, and includes a plan made in accordance with subsection (5) of that section;

“disposal ” means disposal by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other manner, except by way of appropriation, gift or mortgage, and “dispose of ” shall be construed accordingly;

“enactment ” includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, bye-law or scheme made under an Act of Parliament;

“enforcement notice ” means a notice under section forty-five of this Act;

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“engineering operations ” includes the formation or laying out of means of access to highways ;

“erection ” in relation to buildings includes extension, alteration and re-erection;

“fuel or field garden allotment ” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“functions ” includes powers and duties ;

“government department ” includes any Minister of the Crown;

“highway ” has the same meaning as in the Highways Act, 1959;

“improvement ”, in relation to a highway, has the same meaning as in the Highways Act, 1959 ;

“industrial building ” (except in Part VI of this Act) has the meaning assigned to it by section twenty-one of the Local Employment Act, 1960 ;

“industrial development certificate ” has the meaning assigned to it by section thirty-eight of this Act;

“joint planning board ” has the meaning assigned to it by section two of this Act;

“land ” means any corporeal hereditament, including a building, and, in relation to the acquisition of land under Part V of this Act, includes any interest in or right over land;

“lease ” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “leasehold interest” means the interest of the tenant under a lease as so defined;

“local authority ” (except in section one hundred and fifty-four of this Act) means the council of a county, county borough, metropolitan borough or county district, the Common Council of the City of London, and any other authority being a local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are local authorities within the meaning of that Act;

“local highway authority ” means a highway authority other than the Minister of Transport;

“local planning authority ” has the meaning assigned to it by section two of this Act;

“means of access ” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

“minerals ” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale;

“Minister ” (except where the reference is to “the Minister ”) means any Minister of the Crown or other government department;

“the Minister ” (subject to the transitional provisions hereinafter contained in relation to any time before the third day of November, nineteen hundred and fifty-one) has the meaning assigned to it by section one of this Act ;

“mortgage ” includes any charge or lien on any property for securing money or money's worth;

“National Trust ” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907 ;

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“new development ” has the meaning assigned to it by subsection (5) of section twelve of this Act;

“open space ” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground ;

“operational land ”, in relation to statutory undertakers, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings ;

“owner ”, in relation to any land, means (except in sections sixteen, seventeen and forty-seven of this Act) a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let;

“planning decision ” means a decision made on an application under Part III of this Act;

“planning permission ” means permission under Part III of this Act, and in construing references to planning permission to develop land or to carry out any development of land, or to applications for such permission, regard shall be had to subsection (2) of section twenty of this Act;

“planning permission granted for a limited period ” has the meaning assigned to it by subsection (2) of section eighteen of this Act;

“prescribed ” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;

“previous apportionment ”, in relation to an apportionment for any of the purposes of the relevant provisions, means an apportionment made before the apportionment in question, being—

- (a) an apportionment for any of the purposes of the relevant provisions as made, confirmed or varied by the Lands Tribunal on a reference to that Tribunal, or
- (b) an apportionment for any of the purposes which might have been referred to the Lands Tribunal by virtue of any of the relevant provisions, where the time for such a reference has expired without its being required to be so referred, or where, after it had been so referred, the reference was withdrawn before the Tribunal gave their decision thereon, or
- (c) an apportionment made by or with the approval of the Central Land Board in connection with the approval by the Board, under subsection (2) of section two of the Town and Country Planning Act, 1953, of an assignment of part of the benefit of an established claim (as defined by subsection (4) of section eighty-nine of this Act),

and in this definition “the relevant provisions ” means any of the provisions of Part VI of this Act, any of those provisions as applied by any other provision of this Act, and any of the provisions of the Act of 1954;

“purchase notice ” has the meaning assigned to it by section one hundred and twenty-nine of this Act;

“relocation of population or industry ”, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, means the rendering available elsewhere than in that area (whether in an existing

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community or a community to be newly established) of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof;

“replacement of open space ”, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used;

“statutory undertakers ” means persons authorised by any enactment to carry on any railway, light railway, tramway, road -transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “statutory undertaking ” shall be construed accordingly;

“tenancy ” has the same meaning as in the Landlord and Tenant Act, 1954;

“tree preservation order ” has the meaning assigned to it by section twenty-nine of this Act;

“use ”, in relation to land, does not include the use of land for the carrying out of any building or other operations thereon;

“Valuation Office ” means the Valuation Office of the Inland Revenue Department;

“war damage ” has the same meaning as in the War Damage Act, 1943.

- (2) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury; and if any question so arises whether land of statutory undertakers is operational land, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.
- (3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.
- (4) With respect to references in this Act to planning decisions.—
  - (a) in relation to a decision altered on appeal by the reversal or variation of the whole or part thereof, such references shall be construed as references to the decision as so altered;
  - (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Minister on the appeal;
  - (c) in relation to a decision given on an appeal in the circumstances mentioned in section twenty-four of this Act, such references shall be construed as references to the decision so given ;
  - (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority (whether or not that decision is or was altered on that appeal) or, in the case of a decision given on an appeal in the circumstances

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mentioned in section twenty-four of this Act, the time when in accordance with that section notification of a decision of the local planning authority is deemed to have been received.

- (5) For the purposes of this Act development of land shall be taken to be initiated—
- (a) if the development consists of the carrying out of operations, at the time when those operations are begun ;
  - (b) if the development consists of a change in use, at the time when the new use is instituted;
  - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.
- (6) References in this Act to a contract are references to a contract in writing, or a contract attested by a memorandum or note thereof in writing signed by the parties thereto or by some other person or persons authorised by them in that behalf, and, in relation to an interest in land conveyed or assigned without a preliminary contract, are references to the conveyance or assignment; and references to the making of a contract are references to the execution thereof or (if it was not in writing) to the signature of the memorandum or note by which it was attested.
- (7) In this Act—
- (a) references to a person from whom title is derived by another person include references to any predecessor in title of that other person;
  - (b) references to a person deriving title from another person include references to any successor in title of that other person;
  - (c) references to deriving title are references to deriving title either directly or indirectly.
- (8) For the avoidance of doubt it is hereby declared that where, under any provision of this Act, the value of an interest in land is required to be assessed on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to this Act, that assumption is to be made on the footing that any such development must comply with the provisions of any enactment, other than this Act, which would be applicable thereto.
- (9) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

## **222 Consequential amendments**

The enactments specified in the Twelfth Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

## **223 Savings, transitional provisions and repeals**

- (1) The savings and transitional provisions contained in the Thirteenth and Fourteenth Schedules to this Act shall have effect.

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- (2) Subject to the provisions of those Schedules, the enactments specified in the Fifteenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## **224 Saving for Interpretation Act, 1889, s.38**

The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

## **225 Commencement**

- (1) Subject to the following provisions of this section, this Act shall come into operation on the first day of April, nineteen hundred and sixty-three (in this section referred to as “the commencement date”).
- (2) This section, any provisions of this Act which confer any power to make regulations or orders, or which (whether expressly or as construed in accordance with subsection (3) of section thirty-two of the Interpretation Act, 1889) confer any power to revoke or vary any regulations or orders, and any provisions of this Act relating to the exercise of any such power, shall come into operation on the passing of this Act; but no regulations or order shall be made under this Act so as to come into operation before the commencement date.
- (3) In the last preceding subsection the reference to provisions of this Act relating to the exercise of any such power as is therein mentioned includes a reference to any provisions of this Act whereby statutory instruments containing regulations or an order are subject to annulment in pursuance of a resolution of either House of Parliament, or whereby any regulations or order or any provisions thereof require the approval of each of those Houses.
- (4) Any reference in this Act to the commencement of this Act is a reference to the coming into operation of so much of this Act as comes into operation on the commencement date, and any reference to the date of the commencement of this Act is a reference to that date ; and if any Act passed after the passing of this Act refers to the commencement of this Act, subsections (2) and (3) of this section shall be disregarded for the purpose of construing that reference in accordance with section thirty-six of the Interpretation Act, 1889 (which relates to the meaning of “commencement” with reference to an Act).
- (5) The preceding provisions of this section shall have effect without prejudice to the generality of section thirty-seven of the Interpretation Act, 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act).

## **226 Short title and extent**

- (1) This Act may be cited as the Town and Country Planning Act, 1962.
- (2) This Act shall not extend to Scotland or Northern Ireland.