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SCHEDULES

THIRTEENTH SCHEDULE

SAVINGS AND TRANSITIONAL PROVISIONS RELATING TO ENACTMENTS PREVIOUSLY REPEALED

Development contravening planning control under enactments previously repealed

- 11 (1) This paragraph applies to any enforcement notice served before the commencement of this Act by virtue of section seventy-five of the Act of 1947 (which related to development contravening planning control under the enactments repealed by that Act), being a notice which had not ceased for all purposes to have effect before the commencement of this Act.
- (2) The repeal shall not invalidate any enforcement notice to which this paragraph applies.
- (3) In relation to any such notice which was served before the twenty-ninth day of August, nineteen hundred and sixty, on the owner and occupier of the land to which it related—
- (a) sections forty-five to forty-nine shall not apply;
 - (b) section fifty shall not apply if the planning permission in question was granted before the said twenty-ninth day of August; and
 - (c) sections twenty-three and twenty-four of the Act of 1947, as applied by section seventy-five of that Act, shall have effect as they would have had effect in relation to the notice if this Act had not been passed.
- (4) In relation to any enforcement notice to which this paragraph applies, not being a notice falling within the last preceding sub-paragraph, subsections (3) and (5) of section forty-five and (subject to paragraphs 13 to 16 of this Schedule) sections forty-six to fifty-one shall have effect as they have effect in relation to an enforcement notice served under section forty-five.
- 12 (1) In so far as an enforcement notice could, of this Act had not been passed, have been served by virtue of section seventy-five of the Act of 1947, at a time on or after the date of the commencement of this Act, in respect of any works or use of land of a description to which that section applied, there shall subsist by virtue of this paragraph a corresponding power in the like circumstances to serve an enforcement notice (to the like effect as that which could have been so served) in respect of those works or that use of land.
- (2) Subsections (3) and (5) of section forty-five and (subject to paragraphs 13 to 16 of this Schedule) sections forty-six to fifty-one shall have effect in relation to an enforcement notice served by virtue of this paragraph as they have effect in relation to an enforcement notice served under section forty-five.
- 13 (1) Where an enforcement notice falling within sub-paragraph (4) of paragraph 11 of this Schedule, or an enforcement notice served by virtue of the last preceding paragraph, was or is served in respect of any works being government war works within the

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meaning of the Requisitioned Land and War Works Act, 1945, then, subject to the following provisions of this paragraph—

- (a) if the steps required by the notice have been taken by the owner or occupier of the land, any expenses reasonably incurred in that behalf shall be recoverable from the authority by whom the notice was served;
- (b) where the steps required by the notice have been taken by that authority, the authority shall not be entitled, under section forty-eight, to recover the expenses incurred by them in that behalf.

- (2) Where, under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, compensation has been paid equal to the full cost (as estimated for the purposes of that compensation) of taking the steps required by the enforcement notice, the preceding sub-paragraph shall not apply.
 - (3) Where compensation has been paid in respect of the land, being either compensation under the said paragraph (b) but not equal to the full cost (as so estimated) of taking those steps, or being compensation under subsection (4) of section three of that Act, the amount which by virtue of sub-paragraph (1) of this paragraph is recoverable from the authority by whom the enforcement notice was served, or, as the case may be, is not recoverable by that authority, shall be reduced so far as may be just having regard to the compensation so paid.
- 14 In the application of section forty-six to an enforcement notice by virtue of paragraph 11 or paragraph 12 of this Schedule, subsection (1) of that section shall have effect as if for paragraphs (b) and (c) of that subsection there were substituted the following paragraph:—
- “(b) that the works or use to which the enforcement notice related were not works or a use to which section seventy-five of the Act of 1947 applied”.
- 15 (1) The power of the local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of application, or for the continuance of a use of land instituted before that date, shall include power to grant such permission in respect of any buildings or other works, or use of land, in respect of which that authority are empowered to serve an enforcement notice by virtue of paragraph 12 of this Schedule.
- (2) Where permission is so granted, paragraphs 11 to 13 of this Schedule shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of Part IV of this Act with respect to the contravention of conditions subject to which planning permission has been granted.
- 16 Where in pursuance of sub-paragraph (3) of paragraph 6 of this Schedule permission is granted for the retention on land of works, or the continuance of a use, authorised as mentioned in that sub-paragraph, such of the provisions of paragraphs 11 to 15 of this Schedule as (apart from this paragraph) would be applicable thereto shall cease to apply to those works or that use, but without prejudice to the application thereto of any provisions of Part IV of this Act with respect to the contravention of conditions subject to which planning permission has been granted.
- 17 The repeal shall not affect the operation of any regulations made under subsection (8) of section seventy-five of the Act of 1947 (which enabled provision to be made by regulations for applying the provisions of that section to contraventions, committed before the appointed day, of restrictions under

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enactments other than those relating to town and country planning) or of the provisions of that section as applied by any such regulations.