

1987 No. 348 (C.9)

**TOWN AND COUNTRY PLANNING, ENGLAND AND
WALES**

**The Housing and Planning Act 1986 (Commencement
No. 4) Order 1987**

Made - - - - 4th March 1987

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 57(2) of the Housing and Planning Act 1986(a) and of all other powers enabling them in that behalf, hereby make the following Order:

1. This Order may be cited as the Housing and Planning Act 1986 (Commencement No. 4) Order 1987.

2. Subject to the transitional provisions in article 3 below, the following provisions of the Housing and Planning Act 1986 ("the 1986 Act") shall come into force on 1st April 1987 ("the commencement date")—

- (a) section 40 (listed buildings and conservation areas); and
- (b) section 49(2) (miscellaneous repeals), in so far as it relates to the repeals specified in the Schedule hereto.

3.—(1) Paragraph 2 of Schedule 9 to the 1986 Act (scope of exception for urgent works) shall not have effect in relation to any works carried out before the commencement date.

(2) Paragraph 6 of Schedule 9 to the 1986 Act (dangerous structure orders in respect of listed buildings) shall not have effect in relation to—

- (a) an application to the court under section 77(1) of the Building Act 1984(b) or a notice under section 79(1) of that Act, or
- (b) a notice under section 62(2) of the London Buildings Acts (Amendment) Act 1939(c), or a complaint under section 65 or section 69(1) of that Act,

where that application, notice or complaint, as the case may be, was made or served before the commencement date.

(3) Paragraph 7 (works for preservation of buildings) shall not have effect in relation to works commenced before the commencement date.

(4) Paragraph 10 (consideration whether to call in application for listed building consent) shall not apply to any notice given by the Secretary of State under paragraphs 5(2), 6(4) or 6(6) of Schedule 11 to the Town and Country Planning Act 1971(d) before the commencement date.

(a) 1986 c.63.

(b) 1984 c.55.

(c) 1939 c.xcvii.

(d) 1971 c.78.

MISCELLANEOUS REPEALS

| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------|--------------------------------------|---|
| 1971 c.78. | Town and Country Planning Act 1971. | In section 55(4), the words "under section 56 of this Act". |
| 1974 c.32. | Town and Country Amenities Act 1974. | Section 5. |
| 1983 c.47. | National Heritage Act 1983. | In Schedule 4, paragraph 18. Schedule 5, paragraph 6. |
| 1985 c.51. | Local Government Act 1985. | In Schedule 2, paragraph 1(8). |

4th March 1987 *Nicholas Ridley*
Secretary of State for the Environment

4th March 1987 *Nicholas Edwards*
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This order brings into force on 1st April 1987 section 40 and Part I of Schedule 9 to the Housing and Planning Act 1986 (together with consequential repeals) which principally relate to amendments to the Town and Country Planning Act 1971 in respect of the following matters concerning listed buildings and buildings in conservation areas—

- (a) the treatment of free-standing objects and structures within the curtilage of a listed building;
- (b) the scope of the exception for urgent works to a listed building;
- (c) the grant of listed building consent subject to the subsequent approval of detail;
- (d) applications for the variation or discharge of conditions attached to listed building consent;
- (e) the extent of the exemption accorded to ecclesiastical buildings;
- (f) dangerous structure orders in respect of listed buildings;
- (g) the power of a local authority, the Secretary of State or the Historic Buildings and Monuments Commission for England to carry out urgent works for the preservation of a building;
- (h) the control of demolition in a conservation area;
- (i) the form of an application for listed building consent;
- (j) the powers of the Secretary of State with respect to applications for listed building consent; and
- (k) the application to local planning authorities of provisions relating to listed buildings.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order—

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| ss. 1 to 4 | 7th January 1987 | 1986/2262 |
| ss. 10 to 14 | | |
| ss. 16 and 17 | | |
| ss. 19 and 20 | | |
| ss. 22 and 23 | | |
| s. 24 (partially) | | |
| Part III (ss. 27–29) | | |
| Part VI (partially) | | |
| S.49 (insofar as it relates to paragraph 8 of Schedule 11) | 2nd March 1987 | 1987/304 |