

2005 No. 2085

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Isles of Scilly) Order 2005

Made - - - - *25th July 2005*

Coming into force - - *24th August 2005*

The Secretary of State, in exercise of the powers conferred on him by section 319 of the Town and Country Planning Act 1990(a) and section 116 of the Planning and Compulsory Purchase Act 2004(b), and after consultation with the Council of the Isles of Scilly, makes the following Order:

Citation and commencement

1. This Order may be cited as the Town and Country Planning (Isles of Scilly) Order 2005 and shall come into force on 24th August 2005.

Interpretation

2. In this Order—

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004;

“the 1990 Act” means the Town and Country Planning Act 1990;

“the Council” means the Council of the Isles of Scilly; and

“England” means England excluding the Isles of Scilly.

Exercise of planning functions

3. Subject to article 4, the Council shall exercise for the Isles of Scilly all functions under the 1990 Act and Part 2 of the 2004 Act exercisable by a local planning authority or a mineral planning authority for their respective areas in England.

Exceptions, adaptations and modifications

4.—(1) It is directed that the following exceptions from, and adaptations and modifications of, the 1990 Act and the 2004 Act shall have effect—

(a) any reference to a local planning authority, except in paragraph 7(1) of Schedule 1 to the 1990 Act, or to a mineral planning authority, shall include a reference to the Council;

(b) any reference to the council of a county shall include a reference to the Council;

(c) any reference to a district shall include a reference to the Isles of Scilly, and any reference to the council of a district shall include a reference to the Council;

(a) 1990 c.8. The Town and Country Planning Act 1990 was amended by Part 1 of the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004. Section 319 was substituted by paragraph 49 of Schedule 7 of the Planning and Compulsory Purchase Act 1991 (c.34) and extended by paragraph 51 of Schedule 4 of that Act.

(b) 2004 c.5.

- (d) any requirement as to—
- (i) consultation between a local planning authority or a mineral planning authority or the council of a county, and the council of a district;
 - (ii) consultation between the council of a county, and a local planning authority; or
 - (iii) the giving of notice by any body mentioned in sub-paragraphs (i) or (ii) to any other such body,
- shall not apply.

(2) It is directed that section 4 (assistance from certain local authorities) of the 2004 Act shall have effect as if, in subsection (4), after paragraph (d), there were inserted—

“(e) the Council of the Isles of Scilly.”.

Revocations, transitional provisions and savings

5.—(1) Article 4 of the Planning and Compulsory Purchase Act 2004 (Commencement No 2, Transitional Provisions and Savings) Order 2004(a), in so far as it relates to the Isles of Scilly, is revoked.

(2) The Town and Country Planning (Isles of Scilly) Order 1992(b) is revoked subject to paragraph (3) of this article.

(3) For the purposes of Schedule 8 to the 2004 Act (Transitional Provisions: Parts 1 and 2) and the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004(c), the provisions set out in the Town and Country Planning (Isles of Scilly) Order 1992 shall continue to have effect as if those provisions had not been revoked.

(4) The Town and Country Planning (Isles of Scilly) Order 1990(d) is revoked.

Signed by authority of the First Secretary of State

25th July 2005

Yvette Cooper
Minister of State
Office of the Deputy Prime Minister

(a) S.I. 2004/2202.

(b) S.I. 1992/1620.

(c) S.I. 2004/2205. The Order is made under paragraphs 17(1) and (2) and 18 of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

(d) S.I. 1990/2233.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the exercise of planning functions in the Isles of Scilly by the Council of the Isles of Scilly.

This Order directs exceptions to and adaptations and modifications of the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 for the purposes of application of the legislation to the Isles of Scilly.

This Order revokes, with savings, the Town and Country Planning (Isles of Scilly) Order 1992 (S.I.1992/1620) and revokes the Town and Country Planning (Isles of Scilly) Order 1990 (S.I. 1990/2233).

The Isles of Scilly are defined by, and the Council of the Isles of Scilly is constituted under, the Isles of Scilly Order 1978 (S.I. 1978/1844).

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