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STATUTORY INSTRUMENTS

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**2009 No. 384 (C. 20)**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Planning and Compulsory Purchase Act  
2004 (Commencement No.11) Order 2009**

*Made - - - - 25th February 2009*

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 121 and 122 of the Planning and Compulsory Purchase Act 2004<sup>(1)</sup>, makes the following Order:

**Citation**

**1.** This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 11) Order 2009.

**Provisions coming into force on 6th April 2009 in relation to England**

**2.** To the extent that they are not already in force, the following provisions of the Planning and Compulsory Purchase Act 2004 shall come into force, in relation to England, on 6th April 2009—

- (a) section 43(1) so far as it relates to section 70B of the Town and Country Planning Act 1990<sup>(2)</sup>;
- (b) section 43(2);
- (c) section 43(3) and (4) so far as it relates to section 81B of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(3)</sup>.

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<sup>(1)</sup> 2004 c.5.

<sup>(2)</sup> 1990 c.8. Section 70B is amended by the Planning Act 2008 (c.29), section 187 and Schedule 7, paragraph 3.

<sup>(3)</sup> 1990 c. 9. Section 81B is amended by the Planning Act 2008, section 187 and Schedule 7, paragraph 6.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State

25th February 2009

*Iain Wright*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order brings into force on 6th April 2009, in relation to England, section 43 of the Planning and Compulsory Purchase Act 2004, so far as it is not already in force. The provisions inserted by that section (into the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990) relate to the power to decline to determine overlapping applications for planning permission, listed building and conservation area consents.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 to 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 1 to 3 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 4 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 5 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 5 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 6 and 7 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 8 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 8 as to England (so far as it is not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 9 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 10 to 15 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 10 to 15 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 16 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 16 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 17 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 17 as to England (so far as it is not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 18 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 19 to 22 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 19 to 22 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 23 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 24 to 26 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 24 to 26 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 27 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 28 and 29 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 28 and 29 (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 30 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 31 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 31 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 32 to 34 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 35 and 36 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 37 to 39 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 40 to 42 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 40 and 41 as to England	10th May 2006	<a href="#">2006/1061</a>
Sections 42(1) and (5) to (9) as to England	10th August 2006	<a href="#">2006/1061</a>
Sections 42(1) and (5) to (9) as to Wales	30th June 2007	<a href="#">2007/1369</a>
Section 43 (partially) as to England	24 August 2005	<a href="#">2005/2081</a>
Section 44 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 44 (so far as not already in force)	24 August 2005	<a href="#">2005/2081</a>
Sections 46 to 50 (partially) as to England	6th August 2004	<a href="#">2004/2097</a>
Section 49 as to England	10th May 2006	<a href="#">2006/1061</a>
Section 51 as to England	24 August 2005	<a href="#">2005/2081</a>
Sections 52 to 54 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 52 and 53 as to England (so far as not already in force)	7th March 2005	<a href="#">2005/204</a>
Section 53 as to Wales (so far as not already in force)	27 March 2006	<a href="#">2006/931</a>
Section 54 (so far as not already in force)	24 August 2005	<a href="#">2005/2081</a>
Section 55 as to England (so far as not already in force)	1st April 2005	<a href="#">2005/204</a>
Section 56	28th September 2004	<a href="#">2004/2202</a>
Section 57 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 57 as to England and Wales (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 58 as to England and Wales	28th September 2004	2004/2202
Section 59 (partially)	6th August 2004	2004/2097
Section 59 as to England and Wales (so far as not already in force)	28th September 2004	2004/2202
Sections 79 to 83 (partially)	6th August 2004	2004/2097
Sections 79 to 89 (so far as not already in force)	7th June 2006	2006/1281
Section 88 (partially)	6th August 2004	2004/2097
Section 91 (partially)	6th August 2004	2004/2097
Section 91 (so far as not already in force)	7th June 2006	2006/1281
Section 100 and 101 (partially)	6th August 2004	2004/2097
Sections 99 to 110 as to England and Wales (so far as not already in force)	31st October 2004	2004/2593
Section 111(1)	7th June 2006	2006/1281
Section 111(2) as to England and Wales	31st October 2004	2004/2593
Section 112	7th June 2006	2006/1281
Section 113 as to England	28th September 2004	2004/2202
Section 113 as to Wales	15th October 2005	2005/2847
Section 114 as to England (partially)	28th September 2004	2004/2202
Section 114 as to Wales	15th October 2005	2005/2847
Section 116 (so far as not already in force)	25th August 2005	2005/2081
Section 117 (1) to (7) partially	6th August 2004	2004/2097
Section 117 (1) to (7) as to England and Wales (so far as not already in force)	28th September 2004	2004/2202
Section 118 except subsection (2) so far as it relates to the Town and Country Planning (Scotland) Act 1997 (partially)	6th August 2004	2004/2097
Section 118 except subsection (2) so far as it relates to the Town and Country Planning (Scotland) Act 1997 (so far as not already in force)	28th September 2004	2004/2202
Section 119(1) (partially)		
Section 119 (1) as to England (so far as not already in force)	28th September 2004	2004/2202
Section 120 except so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed	6th August 2004	2004/2097

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Buildings and Conservation Areas) (Scotland) Act 1997 (partially)		
Section 120 except so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	28th September 2004	<a href="#">2004/2202</a>
Schedule 1 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 1 as to England (so far as it is not already in force)	10th May 2006	<a href="#">2006/1061</a>
Schedule 2 paragraph 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 2 as to England (so far as it is not already in force)	1st April 2005	<a href="#">2005/204</a>
Schedule 3 paragraph 6 to 8 and 10 to 12 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 3 (so far as it is not already in force)	7th June 2006	<a href="#">2006/1281</a>
Schedule 4	7th June 2006	<a href="#">2006/1281</a>
Schedule 6 paragraphs 1, 3, 14, 16, 19, 20, 23, 24,26, and 27 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 6 paragraphs 1, 8 to 13, 15, 16(1) and (2), 17 to 19, 21, 22, and 25 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 6 paragraphs 1, 8 to 13, 15, 17,18 and 19 21, 22, and 25 as to Wales	15th October 2005	<a href="#">2005/2847</a>
Schedule 6 paragraph 7 as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Schedule 6 paragraph 16(4) (so far as not already in force),	25th July 2005	<a href="#">2005/2081</a>
Schedule 6 paragraphs 20, 23, 24 and 26 as to England and Wales (so far as not already in force),	28th September 2004	<a href="#">2004/2202</a>
Schedule 6 paragraph 2	7th June 2006	<a href="#">2006/1281</a>
Schedule 7 paragraph 19 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 7 paragraphs 2, 3, 6, 8, 11(1), to (3), 16, 17, 19(2), 22 and 23 as to England (so far as not already in force),	28th September 2004	<a href="#">2004/2202</a>
Schedule 7 paragraphs 2, 3, 11(1), to (3), 16, 17, 19(2), and 23 as to Wales (so far as not already in force),	15th October 2005	<a href="#">2005/2847</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 7 paragraphs 4, 5, 7 9 10(1), to (6), 11(4) and (5) 12 to 15, 18 and 21 as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Schedule 8 paragraphs 4, 9, 17 and 18 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 8 as to England (so far as not already in force),	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England (partially)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England and Wales (partially)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England and Wales (partially)	31st October 2004	<a href="#">2004/2593</a>
Schedule 9 as to Wales (partially)	15th October 2005	<a href="#">2005/2847</a>
Schedule 9 as to England and Wales (partially)	10th August 2006	<a href="#">2006/1061</a>
Schedule 9 as to England and Wales (partially)	7th June 2006	<a href="#">2006/1281</a>
Schedule 9 as to Wales (partially)	30 June 2007	<a href="#">2007/1369</a>