

*Status: Point in time view as at 01/02/1991.*

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## SCHEDULES

### SCHEDULE 32

Section 179.

#### ENTERPRISE ZONES

#### PART I

#### DESIGNATION OF ZONES

##### *Invitation to prepare scheme*

- 1 (1) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to England and Wales:—
  - (a) a district council;
  - (b) a London borough council;
  - (c) a new town corporation;
  - (d) an urban development corporation.
- (2) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to Scotland:—
  - (a) a district or general planning authority within the meaning of section 172(4) of the 1973 Act;
  - (b) a new town corporation;
  - (c) an urban development corporation.
- (3) The Secretary of State may invite any of the bodies to prepare a scheme relating to the development of an area falling within the district, borough, district or general planning authority area, new town area or urban development area (as the case may be) and send the scheme to him in accordance with this Schedule.
- (4) The invitation shall be made with a view to the designation as an enterprise zone of the area for which the scheme may be prepared.
- (5) The invitation—
  - (a) shall specify the area for which the scheme may be prepared;
  - (b) may contain directions as to the drawing up of the scheme (in particular, as to its form or content or any consultations to be made).
- (6) The invitation may specify an area in which publicity is to be given under paragraph 2(2)(b) below.
- (7) In this paragraph—

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“new town area” means an area designated as the site of a new town by an order under section 1 of the [<sup>F1M1</sup>New Towns Act 1981] or section 1 of the <sup>M2</sup>New Towns (Scotland) Act 1968;

“new town corporation” means a development corporation established under either of those Acts;

“urban development area” means an area designated as such under this Act;

“urban development corporation” means a corporation established as such under this Act.

#### Textual Amendments

**F1** Words substituted by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 12 para. 28\(e\)](#)

#### Marginal Citations

**M1** [1981 c. 64 \(123:3\)](#).

**M2** [1968 c. 16 \(123:4\)](#).

- 2 (1) A body which receives an invitation may prepare a scheme in draft in accordance with the terms of the invitation.
- (2) If it prepares a scheme under sub-paragraph (1) above, it shall take such steps as will in its opinion secure—
- (a) that—
    - (i) if the area for which the scheme is to be prepared is within Greater London, adequate publicity is given to its provisions in Greater London;
    - (ii) if the area for which the scheme is to be prepared is in England or Wales but outside Greater London, adequate publicity is given to its provisions in the county in which the area is situated; and
    - (iii) if the area for which the scheme is to be prepared is in Scotland, adequate publicity is given to its provisions in the region in which the area is situated; and
  - (b) that adequate publicity is also given to the provisions of the scheme in any area specified under paragraph 1(6) above;
  - (c) that persons who may be expected to want to make representations to the body with respect to the provisions are made aware that they are entitled to do so; and
  - (d) that such persons are given an adequate opportunity of making such representations within a period specified by the body (the specified period).
- (3) The body shall consider any representation—
- (a) which is made to it within the specified period, and
  - (b) which is made on the ground that all or part of the development specified in the scheme should not be granted planning permission in accordance with the terms of the scheme.

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### *Adoption of scheme*

- 3
- (1) After the expiry of the specified period or, if any representations falling within paragraph 2(3) above have been made, after considering them, the body may adopt the scheme by resolution.
  - (2) The scheme adopted may be the scheme prepared in draft or, subject to sub-paragraph (3) below, that scheme as modified to take account of any such representation or any matter arising out of the representation.
  - (3) A scheme may not be modified in any way inconsistent with the Secretary of State's invitation under paragraph 1 above.
  - (4) As soon as practicable after adopting a scheme under this Schedule, the body shall—
    - (a) send a copy of the scheme to the Secretary of State,
    - (b) deposit a copy of the scheme at its principal office, and
    - (c) publish an advertisement in accordance with sub-paragraphs (7) and (8) below.
  - (5) Any member of the public may inspect the copy so deposited, and make copies of or extracts from it, at any reasonable time without payment.
  - (6) The body shall make available copies of the scheme, at a reasonable cost, to any member of the public.
  - (7) The advertisement shall contain—
    - (a) a statement that the scheme has been adopted;
    - (b) a statement that a copy of the scheme can be inspected without payment;
    - (c) a statement of the address where and times when it can be inspected; and
    - (d) a statement that, if the Secretary of State makes an order designating the area to which the scheme relates as an enterprise zone, the order will have effect to grant planning permission in accordance with the scheme.
  - (8) The advertisement shall be published—
    - (a) in the London Gazette or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and
    - (b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

### *Questioning scheme's validity*

- 4
- (1) If a person is aggrieved by a scheme adopted by a body under this Schedule and he wishes to question its validity on the ground that it is not within the powers conferred by this Schedule, or that any requirement of this Schedule has not been complied with, he may within the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above make an application under this paragraph to the High Court or, if the scheme relates to an area in Scotland, the Court of Session.
  - (2) On such an application the High Court or the Court of Session, if satisfied—
    - (a) that the scheme is wholly or to any extent outside the powers conferred by this Schedule, or
    - (b) that the interests of the applicant would be substantially prejudiced by the failure to comply with any requirement of this Schedule if an order were

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made under this Schedule designating the area to which the scheme relates as an enterprise zone,

may order that the Secretary of State shall not make an order under this Schedule designating the area as an enterprise zone in pursuance of the scheme, but (in a case where sub-paragraph (b) above applies) may further order that, if steps are taken to comply with the requirement concerned, an order may be made designating the area.

- (3) No order made by the Court under sub-paragraph (2) above prejudices the making of an order under this Schedule designating the area as an enterprise zone in pursuance of another scheme (so long as this Schedule is complied with).
- (4) Except as provided by this paragraph, the validity of a scheme adopted under this Schedule shall not be questioned in any legal proceedings whatsoever.

#### *Designation of enterprise zone*

- 5 (1) If a body adopts a scheme under this Schedule, the Secretary of State may (if he thinks it expedient to do so) by order designate the area to which scheme relates as an enterprise zone.
- (2) No order may be made until—
  - (a) the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above, or
  - (b) if an application in relation to the scheme is made under paragraph 4(1) above, the time at which any proceedings arising out of the application are disposed of,
 whichever is the later.
- (3) The power to make the order shall be exercisable—
  - (a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) only with the Treasury's consent.
- (4) The order shall—
  - (a) specify the date of the designation taking effect (the effective date);
  - (b) specify the period for which the area is to remain an enterprise zone;
  - (c) define the boundaries of the zone by means of a plan or map;
  - (d) designate as the enterprise zone authority the body which was invited to prepare the scheme.
- (5) The power to amend orders conferred by section 14 of the <sup>M3</sup>Interpretation Act 1978 does not include power to amend an order made under this paragraph.
- (6) The power to revoke orders conferred by that section does not include power to revoke an order made under this paragraph before the expiry of the period mentioned in sub-paragraph (4)(b) above.
- (7)
- <sup>F2</sup>(8) In relation to Scotland, the order may provide that the enterprise zone authority shall be the planning authority exercising the district planning functions (within the

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meaning of section 172 of the 1973 Act) for the zone for such purposes of the 1972 Act, and in relation to such kinds of development, as may be prescribed in the order.

- (9) In the following provisions of this Schedule references to a scheme are, in relation to an area designated as an enterprise zone under this paragraph, to the scheme adopted for the area under paragraph 3(1) above.

#### Textual Amendments

**F2** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

#### Modifications etc. (not altering text)

**C1** Sch. 32 para. 5 amended (E.W.) by the Town and Country Planning Act 1990 (c. 8, SIF 123:1), s. 6(1)

#### Marginal Citations

**M3** 1978 c. 30 (115:1).

#### *Publicity of designation*

- 6 (1) As soon as practicable after the making of an order under paragraph 5 above, the body which adopted the scheme shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.
- (2) The advertisement shall contain—
- (a) a statement that the order has been made and will have effect to make the area an enterprise zone; and
  - (b) a statement that a copy of the scheme can be inspected without payment and a statement of the address where and times when it can be inspected.
- (3) The advertisement shall be published—
- (a) in the London Gazette, or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and
  - (b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

#### *Right of entry*

- 7 (1) Any person duly authorised in writing by a body which has been invited to prepare a scheme under this Schedule may at any reasonable time enter any land in the area to which the scheme relates (or could relate) for the purpose of surveying the land in connection with the preparation or adoption of a scheme under this Schedule.
- (2) In relation to England and Wales, [F3subsection (8) of section 324 and section 325 of the 1990 Act] (giving of notice, compensation for damage, etc.) shall apply in relation to sub-paragraph (1) above as they apply in relation [F3to section 324].
- (3) In relation to Scotland, subsection (8) of section 265 and subsections (1) to (6) of section 266 of the 1972 Act (giving of notice, compensation for damage, etc.) shall apply in relation to sub-paragraph (1) above as they apply in relation to section 265.

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#### Textual Amendments

- F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(14\)\(a\)](#)

#### *Acts referred to in Part I*

- 8 In this Part of this Schedule—
- “<sup>F4</sup>1990] Act” means the Town and Country Planning Act [<sup>F4</sup>1990]
- “1972 Act” means the <sup>M4</sup>Town and Country Planning (Scotland) Act 1972;
- “1973 Act” means the <sup>M5</sup>Local Government (Scotland) Act 1973.

#### Textual Amendments

- F4** Word substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(14\)\(b\)](#)

#### Marginal Citations

- M4** 1972 c. 52 (123:2).
- M5** 1973 c. 65 (81:2).

## PART II

### MODIFICATION OF SCHEME, ETC.

#### *Modification of scheme*

- 9 (1) Where an order has been made under paragraph 5 above, the Secretary of State may invite the enterprise zone authority to prepare modifications to the scheme.
- (2) The invitation may contain directions as to the drawing up of the modifications (in particular, as to their form or content or any consultations to be made).
- 10 (1) The enterprise zone authority may prepare modifications to a scheme in draft in accordance with the terms of the invitation.
- (2) Paragraphs 2(2) and (3), 3 and 4 above shall apply in relation to modifications to a scheme as they apply in relation to a scheme.
- 11 (1) If an enterprise zone authority adopts modifications to a scheme, the Secretary of State may (if he thinks it expedient to do so) notify the authority of his approval of them.
- (2) No such notification may be given until—
- (a) the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above (as applied by paragraph 10 above); or

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- (b) if an application in relation to the scheme is made under paragraph 4(1) above (as so applied), the time at which any proceedings arising out of the application are disposed of,  
whichever is the later.
- (3) The notification shall specify the date of the modifications taking effect (the effective date of modification).
- 12 (1) As soon as practicable after the date of the notification, the enterprise zone authority shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.
- (2) The advertisement shall contain—
- (a) a statement that the Secretary of State has notified the authority of his approval of the modifications; and
- (b) a statement that a copy of the modifications can be inspected without payment; and
- (c) a statement of the address where and times when they can be inspected.
- (3) The advertisement shall be published—
- (a) in the London Gazette or, if the scheme relates to an enterprise zone in Scotland, the Edinburgh Gazette; and
- (b) on at least two occasions, in a newspaper circulating in the enterprise zone.
- 13 The power to modify a scheme under the preceding provisions of this Part of this Schedule includes power wholly to replace a scheme.
- 14 In the following provisions of this Schedule references to a modified scheme are references to a scheme modified under this Part of this Schedule.

#### *Modification of orders by Secretary of State*

- 15 (1) Subject to sub-paragraph (3) below, the Secretary of State may (if he thinks it expedient to do so) by order modify any order made under paragraph 5 above.
- (2) Without prejudice to the generality of sub-paragraph (1) above, an order under this paragraph—
- (a) may extend the period for which the zone is to remain an enterprise zone; and
- (b) may provide—
- (i)
- <sup>F5</sup>(ii) if the enterprise zone is in Scotland, that the enterprise zone authority shall be the planning authority exercising district planning functions (within the meaning of section 172 of the 1973 Act) for the zone for different purposes of the 1972 Act, or in relation to different kinds of development.
- (3) The power conferred by sub-paragraph (1) above does not include—
- (a) power to alter the boundaries of an enterprise zone;
- (b) power to designate a different enterprise zone authority for the zone; or
- (c) power to reduce the period for which the zone is to remain an enterprise zone.
- (4) The power to make an order under this paragraph shall be exercisable—

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- (a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) only with Treasury's consent.
- (5) The power to amend orders conferred by section 14 of the <sup>M6</sup>Interpretation Act 1978 does not include power to amend an order made under this paragraph.
- (6) The power to revoke orders conferred by that section does not include power to revoke any order made under this paragraph which extends the period for which a zone is to remain an enterprise zone before the expiry of the extended period.

#### Textual Amendments

**F5** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

#### Marginal Citations

**M6** 1978 c. 30.

#### *Change of enterprise zone authority*

- 16 (1) This paragraph applies where—
- (a) the body designated as an enterprise zone authority is a new town corporation or an urban development corporation; and
  - (b) the Secretary of State intends to make an order dissolving that body under section 41 of the <sup>M7</sup>New Towns Order 1965 (or section 36 of the <sup>M8</sup>New Towns (Scotland) Act 1968 or under section 166 above.
- (2) Where this paragraph applies, the Secretary of State may by order made by statutory instrument designate as the enterprise zone authority for the zone any body which he could have invited to prepare a scheme for the area comprised in the zone under paragraph 1 above.
- (3) An order under this paragraph shall specify the date on which the body is to become the enterprise zone authority.

#### Marginal Citations

**M7** 1965 c. 59.

**M8** 1968 c. 16 (123:4).



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## PART III

### PLANNING

#### General

- 17 (1) An order designating an enterprise zone [<sup>F6</sup>in Scotland] under this Schedule shall (without more) have effect on the effective date to grant planning permission for development specified in the scheme or for development of any class so specified.
- (2) The approval of a modified scheme [<sup>F7</sup>as respects land in Scotland] under paragraph 11 above shall (without more) have effect on the effective date of modification to grant planning permission for development specified in the modified scheme [<sup>F7</sup>as respects land in Scotland] or for development of any class so specified.
- (3) Planning permission so granted shall be subject to such conditions or limitations as may be specified in the scheme or modified scheme or (if none are specified) unconditional.
- (4) Subject to sub-paragraph (5) below, where planning permission is so granted for any development or class of development, the enterprise zone authority may direct that the permission shall not apply in relation—
- (a) to a specified development; or
  - (b) to a specified class of development; or
  - (c) to a specified class of development in a specified area within the enterprise zone.
- (5) An enterprise zone authority shall not give a direction under sub-paragraph (4) above unless they have submitted it to the Secretary of State and he has notified them that he approves of their giving it.
- (6) If the scheme or the modified scheme specifies matter, in relation to any development it permits, which will require approval by the enterprise zone authority, the permission shall have effect accordingly.
- (7) Notwithstanding sub-paragraphs (1) to (6) above, planning permission may be granted under <sup>F8</sup> the 1972 Act in relation to land in an enterprise zone (whether the permission is granted in pursuance of an application made under <sup>F8</sup> Part III of the 1972 Act or by a development order).
- (8) Nothing in this Part of this Schedule prejudices the right of any person to carry out development apart from this Part.

#### Textual Amendments

- F6** Words inserted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(14\)\(c\)\(i\)](#)
- F7** Words inserted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(14\)\(c\)\(ii\)](#)
- F8** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

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### *Amendments of 1971 Act*

<sup>F9</sup>18 .....

#### **Textual Amendments**

**F9** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

### *Amendments of 1972 Act*

- 19 (1) This paragraph amends the 1972 Act in consequence of paragraph 17 above.
- (2) In section 38(3) (exceptions to provisions about limit of duration of planning permission) insert after paragraph (a)—  
“(aa) to any planning permission granted by an enterprise zone scheme;”.
- (3) In section 51(1) (applications to determine whether planning permission required) after “development of land” insert—  
“and, if so, whether an application for planning permission in respect thereof is required under this Part of this Act, having regard to the provisions of the development order and of any enterprise zone scheme”.
- (4) In section 198(1) (stopping up or diversion of highway) insert after “Part III of this Act” the words “or by virtue of Schedule 32 to the Local Government, Planning and Land Act 1980”.
- (5) In section 275(1) (interpretation) insert at the appropriate place in alphabetical order—  
““enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission by virtue of Schedule 32 to the Local Government, Planning and Land Act 1980;”.

#### **Modifications etc. (not altering text)**

**C2** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Enterprise zone authority as planning authority*

- 20 (1)
- <sup>F10</sup>(2) Where under paragraph 5(8) above an order designating an enterprise zone provides that the enterprise zone authority shall be the planning authority exercising district planning functions for the zone, then, while the zone subsists, the enterprise zone

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authority shall be, to the extent mentioned in the order and to the extent that it is not already, the planning authority for the zone in place of any authority which would otherwise be the planning authority for the zone.

#### Textual Amendments

**F10** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

#### *Effect on planning permission of modification or termination of scheme*

[<sup>F11</sup>21 Modifications to a scheme do not affect planning permission under the scheme in any case where the development authorised by it has been begun before the modifications take effect.]

#### Textual Amendments

**F11** Paras. 21, 22 substituted by Housing and Planning Act 1986 (c. 63, SIF 123:1, 2), s. 54(1)

- 22 (1) Upon an area ceasing to be an enterprise zone planning permission under the scheme shall cease to have effect except in a case where the development authorised by it has been begun.
- (2) The following provisions (which provide for the termination of planning permission if the completion of development is unreasonably delayed) apply to planning permission under the scheme where development has been begun but not completed by the time the area ceases to be an enterprise zone—
- (a)
- <sup>F12</sup>(b) in Scotland, subsection (2) to (6) of section 41 of the 1972 Act.

#### Textual Amendments

**F12** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

#### *Structure and local plans*

23<sup>F13</sup>

#### Textual Amendments

**F13** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

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### *Structure and local plans*

- 24 (1) As soon as practicable after an order has been made under paragraph 5 above or a notification has been made under paragraph 11 above—
- (a) any planning authority exercising regional planning functions for an area in which the enterprise zone is wholly or partly situated shall review any structure plan for their area or for part of it which relates to the whole or part of the zone in the light of the provisions of the scheme or modified scheme; and
  - (b) any planning authority exercising district planning functions in an area in which the enterprise zone is wholly or partly situated shall review any local plan prepared by it which relates to any land situated in the zone.
- (2) A planning authority exercising regional planning functions shall submit to the Secretary of State proposals for any alterations to a structure plan which they consider necessary to take account of the scheme or the modified scheme.
- (3) A planning authority exercising district planning functions shall make proposals for any alterations to such a local plan as is mentioned in sub-paragraph (1)(b) above which they consider necessary to take account of the scheme or modified scheme, or for the repeal or replacement of any of those plans whose repeal or replacement they consider necessary for that purpose.
- (4) In this paragraph “regional planning functions” and “district planning functions” have the meanings assigned to them by section 172 of the <sup>M9</sup>Local Government (Scotland) Act 1973.
- (5) This paragraph shall apply only to Scotland.

#### **Marginal Citations**

**M9** 1973 c. 65 (81:2).

### *Regulations*

- 25 (1) The Secretary of State may by regulations made by statutory instrument—
- (a) make provision as to the procedure for giving a direction under paragraph 17(4) above;
  - (b) make provision as to the method and procedure relating to the approval of matters specified in a scheme or modified scheme as mentioned in paragraph 17(6) above;
  - (c) make transitional and supplementary provision in relation to any provision mentioned in paragraph 20 above of an order designating an enterprise zone.
- (2) Regulations under sub-paragraph (1) above may modify any planning enactment or may apply any planning enactment (with or without modification) in making any provision mentioned in that sub-paragraph.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Local Government, Planning and Land Act 1980, SCHEDULE 32 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Interpretation

26 (1) In this part of this Schedule—

“planning enactment” means any provision of [<sup>F14</sup>the 1990 Act, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990] or of the 1972 Act or of any instrument made under either of them;

[<sup>F15</sup>“the 1990 Act” means the Town and Country Planning Act 1990]

“the 1972 Act” means the <sup>M10</sup>Town and Country Planning (Scotland) Act 1972.

[<sup>F16</sup>(1A) The following provisions apply in determining for the purposes of this Schedule when development shall be taken to be begun—

(a)

<sup>F17</sup>(b) in Scotland, subsections (1) to (3) of section 40 of the 1972 Act.]

(2) Any expression used in this Part of this Schedule and to which a meaning is assigned—

(a) in relation to England and Wales, by the [<sup>F18</sup>1990] Act; or

(b) in relation to Scotland, by the 1972 Act,

has, in relation to England and Wales or, as the case may be, in relation to Scotland, the meaning so assigned to it.

#### Textual Amendments

**F14** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(i)**

**F15** Definition substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(ii)**

**F16** Para. 26(1A) inserted by Housing and Planning Act 1986 (c. 63, SIF 123:1, 2), s. 54(2)

**F17** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**F18** Figure substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(iii)**

#### Marginal Citations

**M10** 1972 c. 52 (123:2).

### <sup>F19</sup>PART IV

#### Textual Amendments

**F19** Sch. 32 Pt. IV (paras. 27–32) repealed by S.I. 1990/776, art. 3, **Sch. 1**

*Status: Point in time view as at 01/02/1991.*

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## PART V

### RATES—SCOTLAND

#### *No rates on certain lands and heritages*

- 33 (1) No person shall be liable to pay rates in respect of exempt lands and heritages as regards any period during which the area in which the lands and heritages are situated is designated as an enterprise zone.

[<sup>F20</sup>Provided that where the lands and heritages are situated only partially within any one enterprise zone their value shall, for the purpose of determining what rates (if any) are payable in respect of the lands and heritages, be apportioned between so much of them as lies within, and so much of them as lies outwith, that zone as if—

- (i) the apportionment were by reason of their extending into two or more rating areas; and
- (ii) the boundary of the enterprise zone were the boundary of such an area.]

- (2) Lands and heritages are exempt lands and heritages for the purpose of this paragraph unless—

- (a) they comprise a dwelling-house, a private garage or private storage premises, or
- (b) they are specified in Schedule 1 to the <sup>M11</sup>Local Government (Scotland) Act 1975 (lands and heritages valued by formula), or
- (c) they are occupied by a public utility undertaking and the value of such lands and heritages falls to be ascertained by reference to the profits of the undertaking carried on therein.

- (3) For the purposes of this paragraph lands and heritages that are not in use shall nevertheless be treated as a dwelling-house, a private garage or private storage premises if it appears that, when next in use, they will be lands and heritages of that description.

- (4) In this paragraph—

“private garage” means a building having a floor area not exceeding 25 square metres which is used wholly or mainly for the accommodation of a motor vehicle (and for this purpose “building” includes part of a building);

“private storage premises” means lands and heritages which are used wholly in connection with a dwelling-house or dwelling-houses and wholly or mainly for the storage of articles of domestic use (including bicycles and similar vehicles) belonging to persons residing there;

“rates” do not include [<sup>F21</sup>domestic][<sup>F21</sup>the non-domestic] water rate [<sup>F22</sup>; and “rating area” means the area of a rating authority.]

#### Textual Amendments

**F20** Proviso added by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 66(1), [Sch. 3, para. 42\(a\)](#)

**F21** Words “the non-domestic” substituted (14.9.1987 for certain purposes and 1.4.1989 for remaining purposes : [S.I. 1987/1489](#)) for “domestic” by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 103:2\)](#), s. 6, [Sch. 1 Pt. III para. 38](#)

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** Local Government, Planning and Land Act 1980, SCHEDULE 32 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**F22** Words added by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 66(1), **Sch. 3 para. 42(b)**

**Marginal Citations**

**M11** 1975 c. 30 (81:2).

*Grants to Compensate Rating Authorities for Loss of Revenue*

- 34 (1) The Secretary of State shall make grants to rating authorities who lose revenue from exempt lands and heritages in consequence of the provisions of this Part of this Schedule.
- (2) Such grants shall be paid out of money provided by Parliament.
- (3) Such grants shall be paid at such times as the Secretary of State may, with consent of the Treasury, determine.
- (4) A grant to a rating authority under this paragraph shall be of such an amount as will fully compensate the authority for the lost revenue mentioned in sub-paragraph (1) above.

*Supplementary*

- 35 This Part of this Schedule applies only to Scotland.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

Local Government, Planning and Land Act 1980, SCHEDULE 32 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.