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STATUTORY INSTRUMENTS

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**2006 No. 1061 (C.35)**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Planning and Compulsory Purchase Act 2004  
(Commencement No. 8 and Saving) Order 2006**

Made - - - -

5th April 2006

The First Secretary of State, in exercise of the powers conferred by section 121 of the Planning and Compulsory Purchase Act 2004<sup>(1)</sup> and after consultation<sup>(2)</sup> with the National Assembly for Wales, makes the following Order:

**Citation and Interpretation**

1.—(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 8 and Saving) Order 2006.

(2) In this Order—

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

“the 1990 Act” means the Town and Country Planning Act 1990<sup>(3)</sup>.

**Provisions coming into force on 10th May 2006**

2. The following provisions of the 2004 Act shall come into force in relation to England on 10th May 2006—

(a) sections 40 and 41 (in so far as they are not yet in force);

(b) section 49 (in so far as it is not yet in force); and

(c) Schedule 1 (in so far as it is not yet in force).

**Provisions coming into force on 10th August 2006**

3. The following provisions of the 2004 Act shall come into force in relation to England on 10th August 2006—

(a) subsections (1) and (5) to (9) of section 42 of the 2004 Act; and

(b) Schedule 9 so far as it gives effect to the repeal of section 76 of the 1990 Act.

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(1) 2004 c. 5.

(2) As to consultation with the National Assembly for Wales, *see* section 121(2).

(3) 1990 c. 8.

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**Saving**

4. Notwithstanding article 3(a), the Town and Country Planning (Applications) Regulations 1988(4) shall continue to have effect on and after 10th August 2006.

Signed by the authority of the First Secretary of State

5th April 2006

*Kay Andrews*  
Parliamentary Under Secretary of State  
Office of the Deputy Prime Minister

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## EXPLANATORY NOTE

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

Article 2 of this Order brings into force on 10th May 2006, in relation to England, the following provisions of the Planning and Compulsory Purchase Act 2004 (“the Act”)—

sections 40 and 41 and Schedule 1 (in so far as they are not yet in force)(local development orders); and

section 49 (in so far as it is not yet in force) (development to include certain internal operations).

Article 3 of this Order brings into force on 10th August 2006, in relation to England, the following provisions of the Act—

section 42(1) and (5) to (9) (applications for planning permission and certain consents); and

Schedule 9 so far as it gives effect to the repeal of section 76 of the Town and Country Planning Act 1990.

Article 4 saves the Town and Country Planning (Applications) Regulations 1988.

## 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>
Sections 1 to 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 1 to 3 as to England (in 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 (in 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	<a href="#">2004/2097</a>
Section 8 as to England (in so far as 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 (in 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 16 (partially)	6th August 2004	2004/2097
Section 16 as to England (in so far as not already in force)	28th September	2004/2202
Section 17 (partially)	6th August 2004	2004/2097
Section 17 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 18 as to England	28th September 2004	2004/2202
Sections 19 to 22 (partially)	6th August 2004	2004/2097
Sections 19 to 22 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 23 as to England	28th September 2004	2004/2202
Sections 24 to 26 (partially)	6th August 2004	2004/2097
Sections 24 to 26 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 27 as to England	28th September 2004	2004/2202
Sections 28 and 29 (partially)	6th August 2004	2004/2097
Section 28 and 29 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 30 as to England	28th September 2004	2004/2202
Section 31 (partially)	6th August 2004	2004/2097
Section 31 as to England (in so far as not already in force)	28th September 2004	2004/2202
Section 32 to 34 as to England	28th September 2004	2004/2202
Sections 35 and 36 (partially)	6th August 2004	2004/2097
Sections 35 and 36 as to England (in so far as not already in force)	28th September 2004	2004/2202
Sections 37 to 39 as to England	28th September 2004	2004/2202
Sections 38 and 39 as to Wales	15th October 2005	2005/2847
Sections 40 to 42 (partially)	6th August 2004	2004/2097
Section 43 (partially)	24th August 2005	2005/2081
Section 44 (partially)	6th August 2004	2004/2097
Section 44 (in so far as not already in force)	24th August 2005	2005/2081
Sections 46 to 50 (partially)	6th August 2004	2004/2097

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 51	24th August 2005	2005/2081
Sections 52 to 54 (partially)	6th August 2004	2004/2097
Sections 52 and 53 as to England (in so far as not already in force)	7th March 2005	2005/204
Section 53 as to Wales (in so far as not already in force)	27th March 2006	2006/931
Section 54 (in so far as not already in force)	25th August 2005	2005/2081
Sections 55 as to England (in so far as not already in force)	1st April 2005	2005/204
Section 56 as to England and Wales	28th September 2004	2004/2202
Section 57 (partially)	6th August 2004	2004/2097
Section 57 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
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 (in so far as not already in force)	28th September 2004	2004/2202
Sections 79 to 83 (partially)	6th August 2004	2004/2097
Section 88 (partially)	6th August 2004	2004/2097
Section 91 (partially)	6th August 2004	2004/2097
Sections 100 and 101 (partially)	6th August 2004	2004/2097
Sections 99 to 110 as to England and Wales (in so far as not already in force)	31st October 2004	2004/2593
Section 111(2) as to England and Wales	31st October 2004	2004/2593
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	12th October 2005	2005/2847
Section 116 (partially)	6th August 2004	2004/2097

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 116 (in so far as not already in force)	25th August 2005	<a href="#">2005/2081</a>
Section 117(1) to (7) (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 117(1) to (7) as to England and Wales (in so far as not in force)	28th September 2004	<a href="#">2004/2202</a>
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 119 (1) (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 119(1) as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 120 except in 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 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 120 except in 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 2 paragraph 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 2 as to England (in so far as not already in force)	1st April 2005	<a href="#">2005/204</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 3 paragraph 6 to 8 and 10 to 12 (partially)	6th August 2004	<a href="#">2004/2097</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 (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 6 paragraph 7 as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Schedule 6 paragraph 16(4) (in so far as not already in force)	25th July 2005	<a href="#">2004/2081</a>
Schedule 6 paragraphs 20, 23, 24 and 26 as to England and Wales (in 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 (so far as as it is not in force) and 21, 22 and 25 as to Wales	15th October 2005	<a href="#">2005/2847</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 (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
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 7, paragraphs 2, 3, 11(1) to (3), 16, 17, 19(2) (so far as it is not in force) and 23 as to Wales	15th October 2005	<a href="#">2005/2847</a>
Schedule 8 paragraph 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>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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>