



# Town and Country Planning Act 1932

## 1932 CHAPTER 48

### *Orders for Preservation of certain Buildings.*

#### **17 Power to make orders for preservation of certain buildings.**

- (1) Where a resolution to prepare or adopt a scheme has taken effect, the council of any county borough or county district which, or any part of which, is situate within the area to which the resolution applies or, as respects a building in such a county district, the council of the county comprising that district, may at any time make an order with respect to any building of special architectural or historic interest within that area and within the district of that council directing that without their consent the building shall not be demolished, and may at any time vary or revoke an order so made by them.
- (2) Subject as hereinafter provided no such order, and no variation or revocation of such an order, shall take effect unless and until the order, variation, or revocation, as the case may be, has been approved, with or without modifications, by the Minister, and the Minister before approving it shall consider any representations made to him by the owner of the building, or by any other person, and shall consult with the Commissioners of Works:

Provided that, if it appears to the Minister, after consultation with the Commissioners of Works, that the order should take effect immediately, he may make a declaration to that effect, and in that case the order shall come into operation so soon as a copy of the order and of the declaration is served on the owner and occupier of the building, but shall cease to have effect at the expiration of two months from the date of the declaration unless it has been previously approved by the Minister under this subsection.

- (3) Where the owner of a building with respect to which an order made under this section is in force has applied to the council to vary or revoke the order, or to consent to its demolition, he may, if he is aggrieved by their refusal to vary or revoke the order, or to grant their consent, or by any terms imposed by them as a condition of their consent, appeal to the Minister within twenty-eight days after the council have notified to him their decision.

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*Status: This is the original version (as it was originally enacted).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

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On any appeal under this subsection, the decision of the Minister shall be final, but before giving his decision he shall consult with the Commissioners of Works.

- (4) Where an order has been made under this section, the coming into operation of a scheme for the area within which the building is situated shall not, unless the scheme so provides, operate as a revocation of the order.
- (5) Nothing in this section shall—
  - (i) empower a council to make an order—
    - (a) with respect to any ecclesiastical building which is for the time being used for ecclesiastical purposes; or
    - (b) with respect to any building to which a scheme or order made under any enactment for the time being in force with respect to ancient monuments applies; or
    - (c) with respect to any building for the time being included in a list of monuments published by the Commissioners of Works, under any such enactment as aforesaid:
  - (ii) affect any powers of the Commissioners of Works under any such enactment as aforesaid.