



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART I

CENTRAL AND LOCAL ADMINISTRATION

1 The Minister

The Minister for the purposes of this Act shall be the Minister of Housing and Local Government, and the expression “the Minister” in this Act shall be construed accordingly.

2 Local planning authorities and committees

(1) Subject to the provisions of this section, the council of a county is the local planning authority for the county, and the council of a county borough is the local planning authority for the county borough.

(2) If it appears to the Minister that it is expedient that a joint board should be established as the local planning authority for the areas of any two or more such councils as are mentioned in the preceding subsection, or for any parts of those areas, he may by order constitute those areas or parts as a united district for the purposes of this Act, and constitute a joint board (in this Act referred to as a “joint planning board”) as the local planning authority for that district:

Provided that the Minister shall not make such an order except after holding a local inquiry unless all the councils concerned have consented to the making of the order.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the constitution of joint planning boards; and the provisions of the Second Schedule to this Act shall have effect with respect to the establishment and functions of planning committees and joint advisory committees of local planning authorities.

(4) Where a joint planning board is constituted for a united district, references in this Act to the area of a local planning authority—

(a) in relation to the board, shall be construed as references to that district, and

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- (b) in relation to any local planning authority being the council of a county or county borough of which part (but not the whole) is included in that district, shall be construed as references to so much of the county or county borough as is not so included.
- (5) Regulations under this Act may make such provision consequential upon or supplementary to the provisions of this section as appears to the Minister to be necessary or expedient.
- (6) The preceding provisions of this section, and the provisions of the First and Second Schedules to this Act, shall have effect subject to the provisions of section eight of the National Parks and Access to the Countryside Act, 1949 (which relates to the administration of functions of local planning authorities in respect of National Parks).

3 Delegation of functions of local planning authorities

- (1) The Minister may, after consultation with such local authorities or associations of local authorities as he considers appropriate, make regulations for authorising or requiring local planning authorities to delegate to the councils of county districts in their areas, with or without restrictions, any of their functions under the provisions of this Act specified in the next following subsection ; and such regulations may be made so as to apply either generally to all local planning authorities (other than the councils of county boroughs) or to such of those authorities as may be specified in the regulations.
- (2) The provisions referred to in the preceding subsection are Parts III and IV and section one hundred and eighty of this Act.
- (3) In relation to a local planning authority being a joint planning board, subsection (1) of this section shall have effect as if the reference therein to the councils of county districts in then-area included a reference to the councils of counties and county boroughs therein.
- (4) Any regulations made for the purposes of this section may make provision—
 - (a) for requiring any council to whom functions are delegated in accordance with the regulations to perform those functions on behalf of the local planning authority;
 - (b) for transferring to any such council any liability of the local planning authority to pay compensation under Part VII, or under section one hundred and thirty-four or paragraph (c) of subsection (1) of section one hundred and seventy, of this Act in respect of anything done by that council in the exercise of functions delegated to them in accordance with the regulations ;
 - (c) for the transfer and compensation of any officers of a local planning authority or of any such council.
- (5) The preceding provisions of this section shall have effect without prejudice to the provisions of subsection (3) of section eight of the National Parks and Access to the Countryside Act, 1949 (which provides for the delegation of functions to planning committees and subcommittees for National Parks).
- (6) In relation to any functions under this Act delegated to a council by a local planning authority, any reference in the provisions specified in subsection (2) of this section, or in section two hundred and ten or subsection (4) of section two hundred and twenty-one of this Act, to the local planning authority shall (subject to the regulations and the terms of the delegation, and so far as the context does not otherwise require) be

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construed as including a reference to that council; and in relation to any compensation payable by a council, by virtue of the transfer under this section to that council of any liability of the local planning authority, any reference in this Act to the local planning authority shall be construed as a reference to that council.