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SCHEDULES

THIRTEENTH SCHEDULE

SAVINGS AND TRANSITIONAL PROVISIONS RELATING TO ENACTMENTS PREVIOUSLY REPEALED

Schemes and agreements

- 1 (1) The repeal shall not affect the operation of—
 - (a) any such scheme as was mentioned in paragraph 7 of the Tenth Schedule to the Act of 1947 (which related to certain schemes made under the Town and Country Planning Act, 1932, and the Town Planning Act, 1925) in so far as, by virtue of that paragraph, the scheme continued to have effect immediately before the commencement of this Act, or
 - (b) any order made under that paragraph (which empowered the Minister to make provision by order for winding up any such scheme) in so far as the order continued to have effect immediately before the commencement of this Act.
- (2) Any power to make orders under paragraph 7 of that Schedule shall continue to be exercisable notwithstanding the repeal.
- 2 (1) The repeal shall not affect the operation of any such agreement as was mentioned in paragraph 10 of the Tenth Schedule to the Act of 1947 (which related to certain agreements made before the appointed day for restricting the planning, development or use of land), or of any order discharging or modifying a restriction imposed by such an agreement, in so far as any such agreement or order was in force immediately before the commencement of this Act; and any such agreement may be enforced as if this Act had not been passed.
- (2) Nothing in any such agreement shall be construed as restricting the exercise, in relation to land to which the agreement applies, of any powers exercisable by any Minister or authority under this Act, so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Minister as mentioned in section two hundred and ten, or as requiring the exercise of any such powers otherwise than in accordance with such provisions or directions.
- (3) If the Minister is satisfied, on application made to him by any person being a party to any such agreement, or a person entitled to land affected thereby, or by the local planning authority, that any restriction on the development or use of the land imposed by the agreement is inconsistent with the proper planning or development of the area comprising the land, he may by order discharge or modify that restriction so far as appears to him to be expedient.
- (4) Without prejudice to the last preceding sub-paragraph, if any person being a party to any such agreement (whether as originally made or as modified under the last preceding sub-paragraph), or a person entitled to land affected thereby, claims that

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the agreement ought to be modified or rescinded, having regard to the provisions of this Act or to anything done under this Act or under the Act of 1947, he may refer to arbitration the question whether the agreement should be so modified or rescinded, and the arbitrator may make such award as appears to him to be just having regard to all the circumstances.