

1969 No. 275 (C.6)

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**
The Town and Country Planning Act 1968
(Commencement No. 4) Order 1969

Made - - - *3rd March 1969*

The Minister of Housing and Local Government and the Secretary of State in exercise of the power conferred on each of them by section 105 of the Town and Country Planning Act 1968(a) in relation to England and Wales respectively hereby make the following Order :—

1.—(1) This Order may be cited as the Town and Country Planning Act 1968 (Commencement No. 4) Order 1969.

(2) In this Order :—

“the Act” means the Town and Country Planning Act 1968 ; and

“the principal Act” means the Town and Country Planning Act 1962(b).

2. The provisions of the Act specified in the first column of each of the first two Schedules to this Order (which relate to the matters specified in the second column thereof) shall come into operation in the whole of England and Wales on the date specified in the heading to that Schedule.

3. The transitional provisions contained in Schedule 3 to this Order shall have effect in connection with the provisions brought into force by this Order.

(a) 1968 c. 72.

(b) 1962 c. 38.

SCHEDULE 1

PROVISIONS COMING INTO OPERATION ON 1ST APRIL 1969.

Provisions of the Act	Subject matter of provisions
Section 13	Regulations and directions as to structure and local plans, and provision for their operation.
Part II	Enforcement of planning control.
Part IV (except section 39)	Acquisition and disposal of land.
Section 64	Delegation of planning functions to officers of local authorities.
Section 65	Limit of duration of planning permissions past and future.
Section 66	Outline planning permissions.
Section 67,	Provisions supplementary to sections 65 and 66.
Section 68	Termination of planning permission by reference to time limit.
Section 76	Posting of site notice prior to planning application.
Section 77	Extension of section 19 of the principal Act with respect to development affecting trunk and special roads.
Section 78	Local register of planning applications.
Section 80	Unopposed revocation or modification of planning permission.
Section 83	Partial abrogation of dual control of office development.
Section 84	Modification of section 7 of Control of Office and Industrial Development Act 1965(a).
Section 85	Restriction on creation of office premises in building altered or extended.
Section 86	Corresponding restriction on planning permission for erection of several buildings.
Section 87	Provisions supplementary to sections 83 to 86.
Section 88	Transfer of Minister's functions in relation to the Location of Offices Bureau.
Section 92	Conversion of highway into footpath or bridleway.

Provisions of the Act	Subject matter of provisions
Section 93	Provision of amenity for highway reserved to pedestrians.
Section 97, so far as it applies to orders under section 92 of the Act.	Miscellaneous amendments of Part IX of the principal Act.
Section 109, so far as it relates to amendments to section 24(9) of the Industrial Development Act 1966(a) and section 8(3) of the Civic Amenities Act 1967(b).	Short title, citation and extent.
Schedule 2	Provisions as to established use certificates.
Schedule 3	General vesting declarations for land compulsorily acquired.
Schedule 4	Consequential amendments of planning blight provisions of the principal Act.
In Schedule 9 paragraph 6	Provisions as to references in other legislation to acquisition of land under Part V of the principal Act.
In Schedule 9 paragraph 8	Saving for specific provisions of Part II of the Schedule, and for Schedule 10, in construing Part I.
In Schedule 9 paragraph 11	Provision as to references in the principal Act to section 68 of that Act.
In Schedule 9 paragraph 12, except so far as it relates to functions under Part V of the Act.	Extension of provisions (in section 3 of the principal Act) for delegation of functions of local planning authorities, to functions under the Act.
In Schedule 9 paragraph 13	Amendment of section 15 of the principal Act (publication of notices of applications for planning permission) as to determination of applications of which notice is required to be published under the section.
In Schedule 9 paragraph 14	Amendments of section 16 of the principal Act (notification of applications for planning permissions to owners and agricultural tenants) as to the form of certificates to be furnished under the section.
In Schedule 9 paragraph 15	Amendments of section 17 of the principal Act (determination by local planning authorities of applications for planning permission) as to (i) duration of planning permissions granted under the section and (ii) notices of applications required to be published under section 15 of that Act.

Provisions of the Act	Subject matter of provisions
In Schedule 9 paragraph 16	Amendment of section 19 of the principal Act (supplementary provisions as to applications for planning permission) as to directions restricting the grant of planning permission.
In Schedule 9 paragraph 20	Amendments of section 49(1) of the principal Act (expenses incurred by owners and others in complying with enforcement notice) introducing references to breach of planning control.
In Schedule 9 paragraph 21	Extension of provisions of section 63(1) of the principal Act (power to provide by regulations for enforcement of advertisement control) to include Part II of the Act.
In Schedule 9 paragraph 22, so far as it relates to Part II of the Act.	Extension to Part II of the Act of certain supplementary provisions as to enforcement appeals in section 64 of the principal Act.
In Schedule 9 paragraph 23, so far as it relates to Part II of the Act.	Extension to Part II of the Act of provisions of section 65 of the principal Act (recovery by local planning authorities of expenses of enforcement).
In Schedule 9 paragraph 24	Extension to Part II of the Act of provisions of section 66 of the principal Act (enforcement in relation to local planning authorities).
In Schedule 9 paragraph 26	Amendment of section 73(1) of the principal Act (appropriation of open spaces etc.) as to the purpose for which appropriation may be authorised.
In Schedule 9 paragraph 27	Amendment of section 78(2) of the principal Act (cases where the Minister's consent is needed for the disposal of land held for planning purposes) consequential on the provisions of sections 27 and 28(1) of the Act.
In Schedule 9 paragraph 28	Amendment of section 78(7) of the principal Act (special provisions as to land comprised in or contiguous or adjacent to areas of comprehensive development) consequential on the provisions of sections 27 and 28(1) of the Act.
In Schedule 9 paragraph 29	Amendment of section 86(1) of the principal Act (objections to compulsory purchase orders) consequential on the provisions of section 27 of the Act.

Provisions of the Act	Subject matter of provisions
In Schedule 9 paragraph 31, except so far as it relates to Part V of the Act.	Extension of provision (in section 127 of the principal Act) as to compensation for depreciation in the value of land, to compensation under section 92 of the Act (conversion of highway into footpath or bridleway).
In Schedule 9 paragraph 32, except so far as it relates to Part V of the Act.	Extension of provision (in section 128 of the principal Act) as to determination of claims for compensation, to claims under Part II or section 92 of the Act.
In Schedule 9 paragraph 33	Amendments of section 159 of the principal Act (determination of applications etc. by statutory undertakers in respect of operational land) as to applications deemed to be made under sections 16(7) or 18(6) of the Act.
In Schedule 9 paragraph 35(b), so far as it relates to orders under section 92 of the Act, and paragraph 35(d), so far as it relates to purchase notices other than listed building purchase notices and to the following decisions under the Act:—	Extension of section 176(1)(b) and (3) of the principal Act (orders and actions which are the subject of special provisions as to challenge) to orders concerning highways and decisions concerning enforcement notices, established use certificates and completion notices.
(g) any decision of the Minister to grant planning permission under section 16(5)(a);	
(h) any decision of the Minister on an application for an established use certificate referred to him under section 18(1);	
(i) any decision of the Minister on an appeal under section 18(2);	
(j) any decision by the Minister to confirm a completion notice under section 68.	
In Schedule 9 paragraph 36, so far as it relates to enforcement notices other than listed building enforcement notices.	Amendment of provisions of section 177 of the principal Act as to the validity of enforcement notices.
In Schedule 9 paragraph 37	Substitution of new provisions for section 178 of the principal Act (proceedings for questioning validity of development plans and certain orders).
In Schedule 9 paragraph 38	Amendment of section 179(6) of the principal Act to exclude right of challenge in respect of a preservation order which has been provisionally confirmed, consequential on repeal of provisions as to such orders.

Provisions of the Act	Subject matter of provisions
In Schedule 9 paragraph 39, so far as it relates to appeals under Part II of the Act against enforcement notices.	Amendment of section 180 of the principal Act (appeals to High Court relating to enforcement notices).
In Schedule 9 paragraph 40, so far as it relates to section 92 of the Act.	Amendment of section 183 of the principal Act (orders subject to special parliamentary procedure) to apply it to orders under section 92 of the Act.
In Schedule 9 paragraph 41, so far as it relates to Part II of the Act.	Extension of power in section 188 of the principal Act (for Ministers to make contributions towards compensation paid by local authorities) to decisions under Part II of the Act.
In Schedule 9 paragraph 42, so far as it relates to Part II of the Act.	Extension of power under section 189 of the principal Act (for local authorities or statutory undertakers to make contributions towards expenses incurred by other authorities) to expenses in performing functions under Part II of the Act.
In Schedule 9 paragraph 45(b) in relation to the references to sections 28, 29 and 36 of the principal Act and section 15 of the Act; and paragraph 45(c) so far as it relates to enforcement notices under section 15 of the Act.	Amendment of provisions as to service of enforcement notices in respect of Crown land.
In Schedule 9 paragraph 48(b), so far as it relates to sections 20 and 92 of the Act.	Extension of provision (in section 205(3) of the principal Act) as to payment of compensation in respect of ecclesiastical property, to compensation in respect of stop notices and orders under section 92 of the Act.
In Schedule 9 paragraph 49, except so far as it relates to tree preservation orders and enforcement notices under section 44 of the Act.	Default powers of the Minister under section 207 of the principal Act to apply to enforcement notices under section 15 of the Act or under the provisions of that section as applied by regulations made under section 34 of the principal Act, to stop notices under section 19 of the Act, to completion notices under section 68 of the Act and to orders requiring steps to be taken for the acquisition of land under section 28 of the Act.
In Schedule 9 paragraph 50, except so far as it relates to listed buildings and buildings proposed to be listed.	Rights of entry under the principal Act to apply in connection with notices under Part II of the Act, claims for compensation under any provision of the Act and acquisitions of land by local authorities or Ministers authorised to acquire land under section 28 or 29 of the Act.

Provisions of the Act	Subject matter of provisions
In Schedule 9 paragraph 53(b) and (c).	Alteration of the definitions of "enforcement notice" and "owner" in the principal Act.
In Schedule 9 paragraph 55, except so far as it relates to sections 1 to 12 of the principal Act.	Amendments to Schedule 8 to the principal Act consequential on the provisions of the Act.
In Schedule 9 paragraph 56	Substitution of Part II of the Act for Part IV of the principal Act in relation to paragraph 6 of Schedule 13 to the principal Act (relating to enforcement against development authorised under enactments repealed prior to 1st July 1948).
In Schedule 9 paragraph 59, so far as it relates to Part II of the Act.	Provision for cases where the Greater London Council is the local planning authority by virtue of section 24 of the London Government Act 1963(a).
In Schedule 9 paragraph 62	Amendments to section 8 of the Control of Office and Industrial Development Act 1965 (provision as to conditions to be attached to planning permissions under section 6 or 7) consequential on the provisions of sections 85 to 87 of the Act (as to the creation of office premises where a building is to be altered or extended or several buildings are to be erected) and section 16 of the Act (as to enforcement notices).
In Schedule 9 paragraph 63	Amendments of section 9 of the said Act of 1965 (enforcement notices relating to land in Greater London) consequential on the replacement of sections 45 and 46 of the principal Act as to enforcement notices by sections 15 and 16 of the Act.
In Schedule 9 paragraph 64	Amendments of section 16 of the said Act of 1965 consequential on the repeal of section 64(2) of the principal Act (as to deemed application for planning permission on an appeal against an enforcement notice).
In Schedule 9 paragraph 65	Amendments of section 22 of the Industrial Development Act 1966 (requirement of industrial development certificate in certain cases) consequential on the repeal of section 64(2) of the principal Act.
In Schedule 9 paragraph 66	Amendments of section 24 of the said Act of 1966 (provisions as to conditions of industrial development certificates) consequential on the replacement of section 46 of the principal Act by section 16 of the Act.

Provisions of the Act	Subject matter of provisions
In Schedule 9 paragraph 72	Amendment of section 14 of the Civic Amenities Act 1967 (default powers and appeals in relation to replacement of trees) consequential on the replacement of section 46 of the principal Act by section 16 of the Act.
In Schedule 9 paragraph 75	Amendment of section 28(6) of the Leasehold Reform Act 1967(a) (description of development which, if proposed to be undertaken by a local authority, public or other body may restrict the rights under that Act of tenants of the land affected) consequential on the provisions of section 28(1)(a) of the Act.
In Schedule 10 paragraphs 2 to 7	Transitional provisions in relation to development plans.
In Schedule 10 paragraphs 10 to 17	Transitional provisions in relation to enforcement of planning control and acquisition of land.
In Schedule 11 the entries relating to the Post Office Act 1953(b); the Electricity Act 1957(c); the Land Powers (Defence) Act 1958(d); the Post Office Act 1961(e); the Land Compensation Act 1961(f); the principal Act, section 9 (in Part II) sections 45 and 46, section 47(7), section 62(3), section 64 (except as to subsection (2)(b)), sections 67 to 69, section 71, section 73, sections 74 to 76, section 86, section 128, section 138, section 139, section 143, section 145, section 150, section 163 (except as to subsection (3)(b)), section 176, section 179, section 180, section 183, section 199(1)(a), section 221 (except as to the definition of "development plan"), Schedule 4 and Schedule 13; the London Government Act 1963, section 29(1) and (2); the New Towns Act 1965(g); and the Land Commission Act 1967(h).	

(a) 1967 c. 88.
(c) 1957 c. 48.
(e) 1961 c. 15.
(g) 1965 c. 59.

(b) 1953 c. 36.
(d) 1958 c. 30.
(f) 1961 c. 33.
(h) 1967 c. 1.

SCHEDULE 2

PROVISIONS COMING INTO OPERATION ON 1st MAY 1969.

Provisions of the Act	Subject matter of provisions
Section 89	Transfer of Ministerial functions as to stopping up etc. of footpaths and bridleways.
Section 90	Procedure for making orders for stopping up and diverting highways.
Section 91	New powers to authorise stopping up and diversion of highways.
Section 94	Powers for local authorities analogous to section 153 of the principal Act.
Section 95	Extinguishment of footpaths etc. over land held for planning purposes.
Section 96	Confirmation, validity etc. of orders under sections 94 and 95.
Section 97	Miscellaneous amendments of Part IX of the principal Act.
Schedule 7	Procedure in connection with orders relating to footpaths and bridleways.
In Schedule 9 paragraph 9	Extension of section 38(2) of the Highways Act 1959(a) (as to highways maintainable at the public expense) to highways created by orders under section 153 of the principal Act or section 94 of the Act.
In Schedule 9 paragraph 35(b), so far as it relates to orders under sections 91, 94 and 95 of the Act.	Extension of section 176(1)(b) of the principal Act (orders which are the subject of special provisions as to challenge) to certain orders concerning highways.
In Schedule 9 paragraph 37, so far as it relates to orders under sections 91, 94 and 95 of the Act.	Extension of provisions of section 178 of the principal Act (proceedings for questioning validity of development plans and certain orders) to certain orders concerning highways.
In Schedule 9 paragraph 40	Amendment of section 183 of the principal Act (orders subject to special parliamentary procedure) to apply it to orders under section 91 of the Act.
In Schedule 9 paragraph 52(c)	Provision as to revocation or variation of orders made or having effect as if made under section 153(1) of the principal Act (stopping up and diversion of highways).

SCHEDULE 3

TRANSITIONAL PROVISIONS

1. The substitution of new provisions for section 178 of the principal Act effected by paragraph 37 of Schedule 9 to the Act shall not prejudice the continued operation of that section as originally enacted, in relation to development plans or amendments of development plans approved or made under Part II of the principal Act whether before or after the 1st April 1969.

2. The repeal of section 9 of the principal Act brought into operation by this order shall not be treated as a specification of that provision for the purposes of paragraph 9 of Schedule 10 to the Act.

3. The bringing into operation of the repeal of sections 74 to 76 of, and Schedule 4 to, the principal Act shall not affect the operation of any direction included in a compulsory purchase order confirmed before 1st April 1969 that those provisions shall apply to the order.

4. The bringing into operation of the repeal of sections 15 to 17 of, and Schedule 7 to, the New Towns Act 1965 shall not affect the operation of any direction included in a compulsory purchase order confirmed before 1st April 1969 that those provisions shall apply to the order.

Given under the official seal of the Minister of Housing and Local Government on 3rd March 1969.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

George Thomas,
One of Her Majesty's Principal Secretaries of State.

Welsh Office
3rd March 1969.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force for the whole of England and Wales the provisions of the Town and Country Planning Act 1968 which are set out in Schedules 1 and 2 to the Order, subject to the transitional provisions contained in Schedule 3. The provisions which are brought into force comprise all those not brought into force by previous Commencement Orders (S.Is. 1968 Nos. 1908 and 1909 and 1969 No. 16), except the new substantive provisions as to development plans in Part I of the Act and provisions dependent on those provisions.