
 STATUTORY INSTRUMENTS

1982 No. 1177 (C.38)

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning (Minerals) Act 1981
(Commencement No. 2) Order 1982**

Made - - - - 16th August 1982

The Secretary of State for the Environment (as respects England) and the Secretary of State for Wales (as respects Wales), in exercise of their powers under section 35 of the Town and Country Planning (Minerals) Act 1981(a), hereby make the following order:—

1. This order may be cited as the Town and Country Planning (Minerals) Act 1981 (Commencement No. 2) Order 1982.

2. The provisions of the Town and Country Planning (Minerals) Act 1981 which are specified in column 1 of the Schedule to this order and which relate to the subject matter specified in column 2 thereof shall come into force on 17th September 1982.

SCHEDULE

Provisions of the Act	Subject matter of provisions
Section 13	Special compensation in respect of orders made under section 45 of the Town and Country Planning Act 1971(b) relating to mineral working;
Section 15, insofar as it inserts section 170B into the Town and Country Planning Act 1971	Compensation where an order is made under section 51, 51A or 51B to be on a special basis where mineral compensation requirements are satisfied;
Section 16	Mineral compensation modifications;

(a) 1981 c. 36.

(b) 1971 c. 78.

Provisions of the Act	Subject matter of provisions
<p>Section 34, so far as it applies to the provisions of Schedule 1 which are specified below:—</p> <p>paragraphs 4, 5 and 6;</p> <p>in paragraph 11—</p> <p>(a) in subparagraph (c) the definition of “mineral compensation modifications”;</p> <p>(b) subparagraph (d); and</p> <p>(c) in subparagraph (e) the definitions of “restriction on the winning and working of minerals” and of “special consultations”.</p>	<p>Consequential amendments to the Town and Country Planning Act 1971.</p>

9th August 1982.

Michael R. D. Heseltine,
Secretary of State for the Environment.

Signed by authority of
the Secretary of State.
16th August 1982.

Michael Roberts,
Parliamentary Under Secretary
of State, Welsh Office.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation in England and Wales certain provisions of the Town and Country Planning (Minerals) Act 1981, including consequential amendments to the Town and Country Planning Act 1971. The following provisions of the Act are brought into operation by this order:—

- (a) section 13, which inserts into the Town and Country Planning Act 1971 a new section (section 164A) which provides that where a planning permission relating to the winning and working of minerals is modified by an order made under section 45 of the Town and Country Planning Act 1971 and the mineral compensation requirements specified in the new section are satisfied, the compensation payable shall be on a special basis;
- (b) section 15, insofar as it inserts a new section 170B into the Town and Country Planning Act 1971; the new section provides that where an order is made under section 51 of the Town and Country Planning Act 1971 (order requiring discontinuance of use or alteration or removal of buildings or works) or section 51A or 51B of the 1971 Act (order prohibiting resumption of mineral working or order requiring steps to be taken for the protection of the environment following temporary suspension of mineral working, respectively) and the mineral compensation requirements specified in the new section are satisfied, the compensation payable shall be on a special basis;
- (c) section 16, which inserts into the 1971 Act a new section 178A which provides that the Secretary of State may, with the consent of the Treasury, make regulations providing for the circumstances in which, where mineral compensation requirements are satisfied, the compensation payable under the 1971 Act in respect of orders made under the statutory powers referred to above which relate to mineral working shall not be payable or shall be payable on a modified basis set out in the regulations; and defines the term “mineral compensation modifications” and;
- (d) certain provisions of Schedule 1, as specified in the order (consequential amendments to the Town and Country Planning Act 1971).

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 (in England, Wales and Scotland) by a commencement order made before the date of this Order.

<u>Provisions</u>	<u>Date of commencement</u>	<u>S.I. No.</u>
Section 2 (partially), sections 4, 5, 6, 7, 12, 21, 22, 23, 24 and 34 (partially).	22.2.82	1982/86

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