
STATUTORY INSTRUMENTS

1991 No. 2905

The Planning and Compensation Act 1991 (Commencement No. 5 and Transitional Provisions) Order 1991

Citation

1. This Order may be cited as the Planning and Compensation Act 1991 (Commencement No. 5 and Transitional Provisions) Order 1991.

Interpretation

2. In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(1);

“the 1991 Act” means the Planning and Compensation Act 1991.

Provisions coming into force on 2nd January 1992

3. Subject to article 5, the following provisions of the 1991 Act shall come into force on 2nd January 1992—

section 1;

section 3, so far as it is not yet in force;

section 4, except so far as it relates to breach of condition notices;

sections 5 and 6, so far as they are not yet in force;

sections 7 to 9;

section 11;

section 14;

section 19, so far as it is not yet in force, except to the extent that it relates to paragraph 4(1) of Schedule 1 to the 1990 Act as it concerns applications for consent to the display of advertisements;

sections 23 and 25, so far as they are not yet in force;

section 32, so far as it relates to the provisions of Schedule 7 set out in the first column of Schedule 1 to this Order, and, where there is an entry against that provision in the second column of that Schedule, to the extent therein provided; and

section 84(6), so far as it gives effect to the repeals in Part I of Schedule 19 specified in Schedule 2 to this Order, except so far as paragraph 4(1) of Schedule 1 to the 1990 Act concerns applications for consent to the display of advertisements.

Provisions coming into force on 10th February 1992

4. The following provisions of the 1991 Act shall come into force on 10th February 1992—

(1) 1990 c. 8.

section 27, so far as it is not yet in force,
section 32, so far as it relates to paragraph 9(2)(a) of Schedule 7, and
section 84(6), so far as it gives effect to the repeals in Part I of Schedule 19 to the 1991 Act specified in Schedule 3 to this Order.

Transitional provisions

5.—(1) Until 27th July 1992 or the date on which section 10 of the 1991 Act is brought fully into force, if later—

- (a) an enforcement notice which relates to a failure to comply with any condition or limitation relating to the carrying out of any operation specified in section 171B(1) of the 1990 Act, in, on, over or under land and subject to which planning permission was granted for the development of that land, may be issued only within the period of four years from the date of the breach; and
- (b) nothing in section 171B(3) of the 1990 Act prevents an enforcement notice which relates to a breach of planning control (other than a breach falling within section 171B(1) or (2) of the 1990 Act or paragraph (a) above) being issued where it appears to the local planning authority that the breach occurred after the end of 1963.

(2) Subject to paragraph (3), the commencement of paragraph (b) of section 171B(4) shall not permit the taking of further enforcement action in respect of any breach of planning control where, immediately before the commencement of that paragraph, the local planning authority could not have issued an enforcement notice relating to that breach.

(3) Paragraph (2) does not apply where any proceedings under the 1990 Act in respect of the breach pursuant to the issue or purported issue of an enforcement notice by the local planning authority have not been finally determined before the commencement of paragraph (b) of section 171B(4).

Signed by authority of the Secretary of State for the Environment

9th December 1991

G. S. K. Young
Minister of State,
Department of the Environment

10th December 1991

David Hunt
Secretary of State for Wales