

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART V

MODIFICATIONS OF THE ACT (DISCONTINUANCE NOTICES)

Commencement Information

II Sch. 4 Pt. V in force at 6.4.1992, see [reg. 1](#)

1. In section 78 for subsections (1) to (5) substitute—

“(1) Where a discontinuance notice has been served on any person by a local planning authority under regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 1992 that person may, if he is aggrieved by the notice, appeal by notice under this section to the Secretary of State.

(2) Notice of appeal shall be given in writing to the Secretary of State at any time before the date on which the discontinuance notice is due to take effect under regulation 8(3), taking account where appropriate of any extension of time under regulation 8(5), of those Regulations, or such longer period as the Secretary of State may allow, and the notice shall be accompanied by a copy of each of the following documents—

- (a) the discontinuance notice;
- (b) any notice of variation thereof; and
- (c) any relevant correspondence with the authority.

(3) Where an appeal is brought under this section, the Secretary of State may require the appellant or the local planning authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the discontinuance notice as he may specify and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal, he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).”

2. In section 79—

(a) for subsection (1) substitute—

“(1) Where an appeal is brought in respect of a discontinuance notice the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the discontinuance notice (whether the appeal relates to that part of it or not),

and may deal with the matter as if an application for express consent had been made and refused for the reasons stated for the taking of discontinuance action.”;

(b) for subsection (4) substitute—

“(4) On the determination of an appeal under section 78 the Secretary of State shall give such directions as may be necessary for giving effect to his determination, including, where appropriate, directions for quashing the discontinuance notice or for varying its terms in favour of the appellant.”;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Town and Country Planning (Control of Advertisements) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (c) omit subsection (6);
- (d) in subsection (6A), after the word “appeal” the first time it appears, insert “in respect of a discontinuance notice”.

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Changes and effects yet to be applied to :

- Sch. 4 Pt. 5 para. 2(c) substituted by S.I. 2017/553 reg. 2(5)(c)
- Sch. 4 Pt. 5 para. 1 word omitted by S.I. 2017/553 reg. 2(5)(a)(i)
- Sch. 4 Pt. 5 para. 1 words inserted by S.I. 2017/553 reg. 2(5)(a)(ii)
- Sch. 4 Pt. 5 para. 1 words inserted by S.I. 2017/553 reg. 2(5)(a)(iv)
- Sch. 4 Pt. 5 para. 1 words substituted by S.I. 2017/553 reg. 2(5)(a)(iii)
- Regulations applied by 1997 c. 61 Sch. 3 para. 3(2)
- Regulations applied by 2011 c. 1 Sch. 1 para. 18(1)
- Regulations applied by S.I. 2001/1298 reg. 23
- Regulations applied by S.I. 2004/1962 art. 12
- Regulations applied by S.I. 2007/2089 reg. 19
- Regulations applied by S.I. 2012/1917 art. 83(2)
- Regulations applied by S.I. 2012/323 reg. 19
- Regulations applied by S.I. 2012/444 reg. 24
- Regulations applied by S.I. 2016/219 Sch. 3 para. 109
- Regulations applied by S.I. 2004/870 reg. 19
- Regulations applied by S.I. 2008/1848 reg. 15
- Regulations applied in part (Crown) by S.I. 2006/1282 art. 11
- Regulations extended by S.I. 1999/450 art. 150
- Regulations extended by S.I. 2003/284 art. 138
- Regulations extended by S.I. 2010/2837 art. 23

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 Pt. 2 para. 34 inserted by S.I. 1994/2351 reg. 9
- Sch. 4 Pt. 5 para. 2(aa) inserted by S.I. 2017/553 reg. 2(5)(b)
- Sch. 4 Pt. 3 para. 1(da) inserted by S.I. 2017/553 reg. 2(3)(d)
- Sch. 4 Pt. 3 para. 1(f) inserted by S.I. 2017/553 reg. 2(3)(e)
- Sch. 4 Pt. 3 para. 2(da) inserted by S.I. 2017/553 reg. 2(3)(g)
- Sch. 4 Pt. 3 para. 1(d) substituted by S.I. 2017/553 reg. 2(3)(c)
- Sch. 4 Pt. 3 para. 1(c) words inserted by S.I. 2017/553 reg. 2(3)(b)(i)
- Sch. 4 Pt. 3 para. 1(c) words inserted by S.I. 2017/553 reg. 2(3)(b)(ii)
- reg. 2(1A) inserted by S.I. 2001/1149 Sch. 1 para. 96(3)
- reg. 2(2A) inserted by S.I. 1996/525 art. 3 Sch. para. 14(1)(b)
- reg. 2(2B) inserted by S.I. 2001/4050 Sch. para. 10(b)
- reg. 9A inserted by S.I. 1999/1810 reg. 3
- reg. 13A inserted by S.I. 1999/1810 reg. 4