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STATUTORY INSTRUMENTS

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**2004 No. 2211**

**LOCAL GOVERNMENT, ENGLAND**

**The Local Authorities (Functions and Responsibilities)  
(Amendment) (No. 2) (England) Regulations 2004**

<i>Made</i>	- - - -	<i>26th August 2004</i>
<i>Laid before Parliament</i>		<i>7th September 2004</i>
<i>Coming into force</i>	- -	<i>28th September 2004</i>

The First Secretary of State, in exercise of the powers conferred on him by sections 13 and 105 of the Local Government Act 2000<sup>(1)</sup>, and in exercise of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004 and shall come into force on 28th September 2004.

(2) These Regulations apply in relation to local authorities in England.

**Amendment of Regulations**

2. Schedule 1 (functions not to be the responsibility of an authority's executive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000<sup>(2)</sup> is amended in accordance with the Schedule to these Regulations.

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(1) 2000 c. 22.

(2) S.I. 2000/2853, to which there are amendments not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the First Secretary of State

26th August 2004

*Nick Raynsford*  
Minister of State,  
Office of the Deputy Prime Minister

## SCHEDULE

Regulation 2

## SCHEDULE 1 AMENDMENTS

For paragraph A (functions relating to town and country planning and development control) substitute the following—

<i>(1)</i> Function	<i>(2)</i> Provision of Act or Statutory Instrument
<b>A. Functions relating to town and country planning and development control</b>	
1. Powers and duties relating to local development documents which are development plan documents.	Sections 20 to 23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004 (c. 5)(3).
2. Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.	Section 29 of the Planning and Compulsory Purchase Act 2004.
3. Power to agree to confer additional functions on a joint committee.	Section 30 of the Planning and Compulsory Purchase Act 2004.
4. Power to request the dissolution of a joint committee.	Section 31 of the Planning and Compulsory Purchase Act 2004.
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
9. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
11. Power to make determinations, give approvals and agree certain other matters	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country

(3) A local planning authority is required by section 15(2) of the Planning and Compulsory Purchase Act 2004 to specify in their local development scheme which documents are to be development plan documents (*see also* S.I. 2004/ 2202 (c. 99) in relation to the coming into force on 28th September 2004 of sections 15, 20 to 23, 25, 26 and 28 to 31 of the Planning and Compulsory Purchase Act 2004).

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<i>(1)</i> <i>Function</i>	<i>(2)</i> <i>Provision of Act or Statutory Instrument</i>
relating to the exercise of permitted development rights.	Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
<b>12.</b> Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
<b>13.</b> Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
<b>14.</b> Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
<b>15.</b> Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).
<b>16.</b> Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
<b>17.</b> Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
<b>18.</b> Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
<b>19.</b> Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
<b>20.</b> Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
<b>21.</b> Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
<b>22.</b> Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
<b>23.</b> Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
<b>24.</b> Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c. 9).
<b>25.</b> Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act.

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<i>“(1) Function</i>	<i>(2) Provision of Act or Statutory Instrument</i>
<b>26.</b> Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of the Department of the Environment Circular 14/97.
<b>27.</b> Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>28.</b> Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>29.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>30.</b> Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>31.</b> Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the 2000 Regulations”).

Regulation 2 amends Schedule 1 (functions not to be the responsibility of the authority’s executive) of the 2000 Regulations by the substitution of a new paragraph A.

The amendments are concerned with functions under Part 2 of the Planning and Compulsory Purchase Act 2004 which relate to development plan documents and joint committees that are or are to be, for the purposes of that Part, local planning authorities. The provisions relating to these functions come into force on 28th September 2004 by virtue of [S.I. 2004/ 2202 \(c. 99\)](#).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the public sector.