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STATUTORY INSTRUMENTS

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**2012 No. 628**

**The Localism Act 2011 (Commencement No. 4 and Transitional, Transitory and Saving Provisions) Order 2012**

**Transitional etc. provisions: amendments to planning assumptions**

**20.**—(1) Where, before 6th April 2012—

- (a) a notice to treat has been given under section 5(1) of the Compulsory Purchase Act 1965<sup>(1)</sup> (notice to treat, and untraced owners); or
- (b) a notice to treat is deemed to have been served under—
  - (i) Part 6 of the 1990 Act<sup>(2)</sup> (rights of owners etc. to require purchase of interests);
  - (ii) section 7 of the Compulsory Purchase (Vesting Declarations) Act 1981<sup>(3)</sup> (constructive notice to treat); or
  - (iii) any other provision authorising an acquisition of or made under any Act which applies the 1961 Act,

the new section 15 of the 1961 Act (planning permission to be assumed for acquiring authority's proposals) shall apply in that case as if subsections (3) and (4) of the existing section 15 of the 1961 Act<sup>(4)</sup> (assumptions not directly derived from development plans) were, with the modifications set out in paragraph (2), subsections (3) and (4) of the new section 15.

(2) The modifications are—

- (a) in section 15(3)—
  - (i) the insertion after “assumed” of “for the purposes of section 14(2)(a) and (b)(i) and (4)(a)”, and
  - (ii) the substitution for “would be granted” of “is in force”, and
- (b) in section 15(4)—
  - (i) the substitution for “the said date” of a reference to the date of service of the notice to treat or (as the case may be) the deemed notice to treat, and
  - (ii) the substitution for “would be granted” of “is in force”.

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(1) 1965 c. 56.

(2) Sections 146, 154 and 160 were amended by S.I. 2009/1307. There are other amendments to these provisions but none are relevant to this Order.

(3) 1981 c. 66

(4) Section 15(3) and (4) was amended by sections 31 and 84 of, and Schedules 16 and 19 to, the Planning and Compensation Act 1991.