CABINET

TOWN AND COUNTRY PLANNING BILL

MEMORANDUM BY MINISTER OF TOWN AND COUNTRY PLANNING

I circulate herewith a draft of the above Bill, revised in accordance with the decisions taken by the Cabinet on 1st August, 1946.* A detailed note of its provisions is given in Appendix A; in summary form the effect is as follows:

Part I establishes a Land Commission and transfers planning functions from the District Councils to the County Councils.

Part II repeals the inadequate planning system at present on the Statute Book (which was incompatible with the compensation-betterment proposals) and sets up an improved planning system more suited to present conditions and requirements. The Bill therefore becomes the main planning instrument for the future, and I propose to alter the title from Town and Country Planning (Development Rights) Bill to Town and Country Planning Bill. The Bill is not framed in terms of the "nationalisation of development rights." It merely provides that land can be kept restricted to its present use; that it can be bought compulsorily at "existing use" value—instead of, as at present, at a "development value" that is often inflated; that if permission to develop is granted the increased value resulting from such permission shall be collected for public funds; and it provides under Part IV for immediate compensation to landowners for the consequential loss of the development value of their land.

Part III provides the positive power for buying compulsorily any land needed to carry planning proposals into effect. In particular, it enables the plan to designate land required for a ten years' building programme, and once the plan is settled, after full enquiry, it enables compulsory purchase to take place without having to entertain objections to the plan all over again.

Part IV provides for compensation to landowners (on the "discount" basis approved by the Cabinet) for depriving them of "development values."

Part V sets up the powers and machinery for imposing a "development (i.e., betterment) charge" on all future permissions to develop land. It thus enables future increases in land value on change of use to be collected for public funds.

Part VI deals with the application of the Bill to certain special classes of case, some of them purely transitional.

Part VII covers supplemental points, the most important of which is the Exchequer grant to local authorities towards any losses they incur in carrying planning proposals into effect.

A number of drafting points have still to be settled with other Departments and a few additional clauses may be necessary on minor matters. I am arranging

* C.M. (46) 76th Conclusions, Minute 2.
for these to be dealt with before introduction in the House in December; but in view of pressure of time I am circulating the draft in its present form in order to draw attention to a number of points which my colleagues will wish to consider.

(1) **Compensation for Loss of Development Values**

2. (a) **Land purchased since 1919.**—Clauses 50-58 of the Bill provide for compensation on the "discount basis" approved by Cabinet. The following are the main points of detail to which I should draw attention:

(i) The basis of valuation is prices current at the date of introduction of the Bill and not the 1939 valuation. This avoids arguments (which would have to be resisted) on whether a percentage supplement should be added to take account of changed money values.

(ii) The amount of compensation will be determined by discounting at 5 per cent. compound interest from the appointed day back to the date of the purchase, with a backward limit of 31st December, 1918.

To give a broad picture, the effect will be as follows:

<table>
<thead>
<tr>
<th>Purchase Date</th>
<th>Compensation Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948</td>
<td>100%</td>
</tr>
<tr>
<td>1939</td>
<td>67%</td>
</tr>
<tr>
<td>1932</td>
<td>48%</td>
</tr>
<tr>
<td>1925</td>
<td>34%</td>
</tr>
<tr>
<td>1919</td>
<td>25%</td>
</tr>
<tr>
<td>before 1919</td>
<td>Nil.</td>
</tr>
</tbody>
</table>

(iii) Compensation will be excluded altogether unless the purchase was a "purchase for value." This will exclude gifts from compensation but will not exclude transactions for partial consideration.

(iv) Where land is purchased after the date of introduction of the Bill no compensation will be paid by reference to that purchase, but the purchaser will be allowed to "stand in the shoes" of the person from whom he purchased. This prevents owners entering into transactions purely for the purpose of securing higher compensation. At the same time it avoids penalising legitimate transactions and avoids a complete stoppage of land sales in the period during which the Bill is before Parliament.

(b) **Compensation for inherited land.**—As a result of discussions between my Department, the Treasury, and the Board of Inland Revenue, I have reached the conclusion that it would be contrary to the general principle of the Bill to do more than provide a formula that, broadly, secures repayment of any death duties which the present owner in fact paid in respect of development value. A straightforward adjustment of actual duties paid is not practicable owing to the valuation difficulties and Clause 53 of the Bill therefore applies the main discount formula but limits the actual payment to a percentage corresponding to the effective rate of death duty paid.

(c) **Minerals.**—This clause is left blank in the circulated print of the Bill, but I hope to be able to circulate a draft in the course of a few days. The original proposal was to exempt "existing workings" from compensation and betterment but it has been found impossible to frame a satisfactory definition of unit on an area basis. I propose therefore to adopt a "time" basis and leave mineral working for three years to be free of development charge, and thereafter to secure that royalty owners are placed in no better position for compensation purposes than landowners generally.

(d) **Method of payment.**—Clauses 59-62 provide for the satisfaction of compensation by the issue of compensation stock within five years.

(e) **Estimate of cost.**—A precise estimate of cost is not possible because of lack of statistical information on many matters, but the best indication possible is given in Appendix B. The compensation under Part IV will be, it is thought, of the order of £400,000,000.

(2) **Transfer of Planning Functions to County Councils**

3. The Bill transfers planning functions from the District Councils to the County Councils but provides in the First Schedule for the preparation by each County Council of a scheme of administration under which the District Councils can be associated with the planning of their areas through the setting up of
area sub-committees on which they are represented and to which selected functions can be delegated. This will provide a flexible machine that can be adapted to the needs of a particular area, and, while leaving the main tasks with the County Council, will enable the knowledge and experience which the District Councils have of their areas to be drawn upon. The Associations representing the District Councils have expressed strong opposition to the proposal to transfer planning powers to the County Councils, but they accept the view that the main outline plan for the area cannot be prepared on a district basis, and the above proposals, by making sure that they are brought fully into the picture, will go some way towards overcoming their opposition.

4. I propose a similar provision for London with slight adaptation to enable the City to play its appropriate part in the planning of the area. The relationship between the L.C.C. and the Metropolitan Boroughs will remain substantially unchanged.

(3) COMPULSORY PURCHASE OF LAND

5. I attach great importance to Part III of the Bill because compulsory purchase of land will be the main instrument for ensuring that a plan is carried into effect. In particular, although the plans prepared under the Bill must necessarily be long-term in their broad concept, I am anxious that they should at the same time be severely practical documents and that they should indicate a reasonably firm programme of development and redevelopment for a period of ten years or so ahead. The plans will be reviewed from time to time, and the programme of development modified or extended as may be necessary. The planning of our land resources will thus take its place in any wider operations that may be necessary from time to time for securing full use of our available resources of material and man-power.

6. I also draw particular attention to the fact that Clauses 35 and 45 of the Bill enable land required for any Government or statutory purposes to be reserved in the plans and, if likely to be wanted within ten years or so, to be designated for compulsory purchase. This will enable the County Plan to be prepared with proper regard for these national and other important requirements, and any objections to the proposals can be considered and disposed of before the plan is approved. Thereafter the Departments concerned will be able to purchase the land with the minimum of trouble and delay and usually without further local inquiry into the merits of the particular project. I have also extended generally the "streamlined" procedure of the Acquisition of Land (Authorisation Procedure) Act, 1946.

7. This designation is entirely optional, and, although I invite my colleagues to co-operate in the planning process to the fullest possible extent, it does not interfere in any way with their existing powers and procedure for the purchase of land. Nor, where land is designated, does it remove from them the responsibility of making or approving the compulsory purchase orders. It is merely aimed at simplifying the procedure and at the same time securing comprehensive consideration of the land to be selected for particular purposes.

(4) 1939 STANDARD

8. Apart from minor alterations in Clauses 47-49 to remedy defects in existing law, the Bill leaves the compensation to be paid on compulsory purchase related to the 1939 standard, reduced, of course, to "existing use" value. I understand, however, that the Chancellor of the Exchequer has the question of the 1939 standard under review, and I hope it will be possible to take an early decision on policy so that I may be able to meet criticism or opposition when the Bill is before Parliament.

(5) EXCHEQUER GRANTS

9. In agreement with the Chancellor, Clauses 88-90 of the Bill provide for Exchequer assistance to local authorities in connection with a much wider range of planning expenditure, viz.:

(i) Blitz, i.e., cost of redeveloping areas of extensive war damage.
(ii) Blight, i.e., cost of redeveloping areas of bad layout or obsolete development.
(iii) Derelict land, i.e., cost of bringing land into a condition in which it can be brought back into use.
(iv) Compensation incurred in discharging planning functions under Part II.
(v) Losses incurred, for planning reasons, in the acquisition of land and its diversion to a less valuable use.

The details of these grants will be settled by regulation, but I draw particular attention to Clause 88 (4) (d) which enables provision to be made for "weighting" the grant by reference to the financial capacity of the particular authority and the size of the financial burden imposed on it by the requirements of redevelopment and other planning operations.

10. In redevelopment schemes grant will take the form of a percentage contribution to loan charges over a 60-year period. The maximum percentages prescribed in the Bill are 90 per cent. for blitz and 80 per cent. for blight and dereliction: in fact I propose that these maxima for blitz, blight and dereliction should come down to 70 per cent. in the second quinquennium and 60 per cent. thereafter. For the other planning grants the Bill prescribes a maximum of 60 per cent. from the outset.

11. The minima, and the method of scaling the grants to meet the circumstances of the different authorities, will be prescribed by regulations and are still under discussion with the Treasury.

(6) CONTROL OF ADVERTISEMENTS

12. The Bill enables complete control of outdoor advertisements to be instituted, and provides no compensation to landowners who are required on public grounds to discontinue the use of their land or buildings for hoardings or other advertising purposes. This exclusion of compensation is likely to be challenged, but it follows the precedent of existing law, including a number of Local Acts. A number of advertising uses which do not materially affect land values will be exempted from development charge by Regulations, but I do not propose to extend this exemption to landowners who secure a substantially higher rental through letting land for hoardings and other similar purposes.

(7) LAND COMMISSION

13. The Minister of Agriculture is anxious to avoid any confusion between the Land Commission set up by this Bill and the Agricultural Land Commission which he proposes to establish by legislation this Session. For my own part I see no strong objection to the two titles as proposed; but if my colleagues consider some modification is necessary, I suggest that—

(a) the body to be appointed under this Bill might be called the Central Land Board; and
(b) the body to be appointed under the Minister of Agriculture's Bill might be called the Agricultural Commission, thus corresponding to other "functional" commissions (e.g., for Forestry, Electricity, transport &c).

14. I also draw attention to Clause 41 which enables the Land Commission to buy land compulsorily in certain circumstances. This is partly to enable them to sell in a free market in order to provide a periodic check on the administration of development charges and partly to provide a simple machinery by which land reserved in a plan for development by private enterprise can be made available at a comprehensive price, without necessarily putting the developer to the trouble of negotiating separately with the landowner and the Land Commission. Several of my colleagues pressed for a procedure on these lines in earlier discussion.

(8) GENERAL

15. This Bill will arouse strong opposition, particularly from landed interests. It is, however, vital for the establishment of a successful system of planned development, including the essential task of rebuilding towns and cities on modern lines.

16. I ask therefore that the Legislation Committee be invited to consider the Bill, subject to minor modifications or additions on a few matters that are still under discussion with other Departments and on which I do not expect that any difficulty or major point of policy will arise.
17. I propose, if my colleagues agree, to issue with the Bill an explanatory White Paper. I am aiming at introducing the Bill before Christmas, with a view to Second Reading in January. A separate Bill will be prepared by the Secretary of State for Scotland, as directed by the Legislation Committee.*

Ministry of Town and Country Planning.
25th November, 1946.

APPENDIX A

SUMMARY OF PROVISIONS OF THE TOWN AND COUNTRY PLANNING BILL

PART I.—CENTRAL AND LOCAL ADMINISTRATION

1. Land Commission.—Clauses 2-3 enable a Land Commission to be appointed to administer the compensation and betterment provisions. There will be one Commission for England and Wales and Scotland, appointed jointly by the Minister of Town and Country Planning and the Secretary of State.

2. Local Planning Authorities.—Clause 4 places planning functions on the councils of counties and county boroughs, and Part I of the First Schedule enables Joint Planning Boards to be set up for securing comprehensive treatment of particular “planning units” covering parts of the areas of two or more planning authorities. Provision is also made in the Schedule for the establishment of Regional Advisory Committees for the purpose of securing co-ordinated planning over wider areas. Part III of the First Schedule imposes on the County Councils the obligation of setting up area sub-committees on which the District Councils in the area will have representation and to which selected functions can be delegated.

PART II.—PLANNING AND CONTROL OF DEVELOPMENT

3. Development Plans.—Clause 5 requires Local Planning Authorities, within three years, to make a survey of their areas and prepare a Development Plan showing how they propose that the land in their area should be used, and specifying the land likely to be wanted for various purposes within a ten-year period. Provision is made for a review of the Plan at least every five years. Clause 6 provides a default Power under which the Minister can himself make or amend a plan for any area or authorise another local planning authority to do so and recover the cost from the defaulting authority.

4. Permission to Develop Land.—Clause 9 provides that permission is to be required for any development of land, except certain defined classes of development over which planning control is unnecessary. Development is defined as the carrying out of building, engineering, mining or other operations in, on, under, or over land and the making of any material change in the use of any buildings or other land. Clauses 10-15 enable the detailed machinery for the granting of permissions to be prescribed by Regulations; provide for an appeal to the Minister, in certain cases, if an applicant is aggrieved by the decision of the Local Authority; and also enable the Minister to call in certain applications for decision by the Government instead of the local planning authority.

Clause 16 provides that where land has become incapable of reasonably beneficial use and planning permission to develop is refused, the owner can require the District Council or County Borough to buy the land from him. Clause 17 provides for the payment of compensation to an owner who is refused permission for certain classes of development specified in paragraphs 2-6 of the Third Schedule, being classes which, for compensation purposes, are regarded as within the range of “existing use.” By the Fourth Schedule this compensation is related to the 1938 standard of values.

Clause 19 provides for payment by the Local Planning Authority of compensation for any expenditure rendered abortive by the revocation or modification of a planning permission.

5. Enforcement of Planning Control.—If any development is carried out without permission, or contrary to the terms of any permission, Clauses 20 and

* H.P.C. (46) 25th Meeting, Minute 1.
21 give the local planning authority and the Minister power, so far as may be necessary on planning grounds, to secure restoration of the land to its former condition, or compliance with the permission, as the case may be.

Clauses 22-23 give the local planning authority power, on payment of compensation, to require discontinuance of any existing use or demolition of any existing building if necessary on planning grounds. Compensation is assessed on the basis of the 1939 standard. Owners have a right of appeal to the Minister, and if, as a result of any such order, the land is incapable of reasonably beneficial use, they may require the local planning authority to buy the land.

6. Trees and Woodlands.—Clause 24 re-enacts the provisions in the existing planning Acts for securing the preservation on amenity grounds of trees and woodlands. Arrangements will be made with the Forestry Commission to avoid overlap with the forthcoming Forestry Bill. The clause leaves the question of compensation to be settled by the preservation order, in the light of particular circumstances of the case. In the normal case the effect of the order will not be to prohibit all felling of trees, but merely be to impose control over the timing, with conditions for replanting where necessary, so as to avoid destroying the character of a woodland as such.

7. Historic Buildings.—Clause 25 similarly re-enacts the provisions in the existing planning Acts for the preservation of buildings of special architectural or historic interest.

8. Outdoor Advertisements.—Clauses 27-28 enable comprehensive Regulations to be made for the control of outdoor advertisements, repeal the existing bye-law-making powers, and enable existing local Acts dealing with the subject to be repealed, where necessary, by Order in Council. A national code of advertisement control, within the broad framework of the planning system, will thus be established.

9. Waste Land.—Clause 29 reproduces a power which has usually been taken in statutory planning schemes under existing law for enabling the local authority to take action where waste land has become an eyesore to the area. The clause leaves this entirely in local hands; no appeal to the Minister is provided.

10. Statutory Undertakers.—Clause 30 applies to operational land of statutory undertakers, in relation to planning operations under the Bill, the protection given to them by the Town and Country Planning Act, 1944, viz.:

(a) a special basis of compensation in certain cases specified in the Fifth Schedule,
(b) Parliamentary procedure before compulsory purchase of their land, if they raise objections.

The provisions of the 1944 Act have, however, been amended, as a result of experience in the operation of the Act, to enable compensation to be excluded in certain cases (proviso to paragraph 1 (3) of the Fifth Schedule). The proviso is in square brackets as the point is still under discussion.

11. Development by Local Planning Authorities.—Clause 31 re-enacts Section 32 of the 1944 Act, under which development by local planning authorities themselves can be brought under Ministerial control, where necessary, as in the case of other development.

12. Existing Local Act Powers.—The purpose of Clause 32 is to make it clear that development authorised by other Acts, including local Acts, but not yet carried out, is within the main planning machinery and within the scope of the development charge; and that the land is subject to the general compensation provisions of Part IV.

13. Default powers of the Minister.—Clause 33 enables the Minister to take action in certain cases if the local planning authority fail to do so. The clause provides fresh default powers in relation to interference with existing buildings and uses, and the preservation of trees and historic buildings; it extends existing powers in relation to enforcement of planning control; and re-enacts the existing powers in relation to revocation of planning permission.

14. Pre-Plan stage.—Clause 34 provides for the administration of the planning system in the period before plans are prepared under Clause 5. These plans, when prepared, will form the policy basis for both central and local...
administration, but the clause provides that the administration in the pre-plan stage is to be based generally on what is required to secure the proper development of the area.

PART III.—ACQUISITION OF LAND

15. Designation and Compulsory Acquisition.—Under Clause 5, a development plan may designate, as subject to compulsory purchase in order to carry out a Plan, land likely to be wanted within a period of ten years or so from the date of the first approval, or subsequent modification of a Plan.

Where the land is designated for the purpose of a Minister, or for a local authority or statutory undertaker function for which powers of purchase already exist, the Minister who requires the land, or the Minister concerned with the local authority or statutory undertaker function, as the case may be, is enabled by Clause 35 to purchase, or authorise the purchase, in the ordinary way, but he can if he wishes adopt the "streamlined" procedure of the Acquisition of Land (Authorisation Procedure) Act, 1946, (including the "speedy procedure") and can disregard any objections which amount in substance to saying that the plan already settled, after full inquiry, was wrong.

It will be noted that Section 35 (2) also gives compulsory powers of purchase to the Minister of Works and the Postmaster-General in the pre-plan stage, before designation.

Clause 36 provides power for the Minister of Town and Country Planning to authorise the purchase of land to carry out a Plan, in cases where no powers of compulsory purchase exist under other Acts or where the purpose is not solely within Clause 35. Examples are areas of comprehensive development or redevelopment, land reserved by a Plan for special purposes such as churches, universities, cinemas, and land reserved for other specific development, such as factories or private housing, if it cannot be secured otherwise than by compulsion.

The procedure of the Town and Country Planning Act, 1944, is repealed and replaced by that of the new Authorisation Procedure Act, 1946. The "speedy procedure" of Section 2 of that Act is however excluded for Clause 36 purposes and instead the "expedited completion" procedure of the 1944 Act is re-enacted. This is imperative if the purchase is in order to re-convey to a private developer, because it enables a clean title to the land to be given and thus avoids the delay that might result if it were necessary to investigate and prove title before work could begin. The procedure is particularly important in reconstruction areas where a multiplicity of interests is involved.

Clause 39 re-enacts the 1944 provision enabling buildings of historic, &c., interest to be bought for the purpose of proper maintenance and preservation.

Clause 40 provides for appropriation of certain land already in a local authority's ownership.

Clause 41 enables the Land Commission to buy in certain cases—mainly to enable a comprehensive rent or price to be quoted, or where for other reasons it appears unnecessarily complicated to authorise or require a local authority to buy merely for the purpose of handing over to some other person.

Clause 42 attracts sections 19-30 of the 1944 Act, which provide a code for enabling local authorities who acquire land for general planning purposes to dispose of it in accordance with ministerial directions, to develop themselves (with the Minister's consent) for purposes outside their normal statutory range, and otherwise to manage the land. Section 20 (3) of the 1944 Act, which prevented a local authority from carrying out development if any other person was willing to do so, is repealed.

16. Compensation for Compulsory Purchase.—Clause 46 (1) secures that on all future compulsory purchases of land the compensation payable is limited to "existing-use" value, based on the assumption of a right in perpetuity to continue the existing use and to rebuild the existing buildings to the same size (with a tolerance of 10 per cent.).

Clause 46 (2) adapts the 1939 standard (which is the present basis of compensation) by providing, in effect, that the property to be valued on the 1939 standard is the property restricted to existing use and does not include the 1939 development value.

Clause 46 (3) excludes from compensation (with some exceptions) any element of value attributable to a building which the owner has claimed is of no beneficial use and which, in consequence, he has required the local authority to buy.

Clause 46 (4) modifies the Eighth Schedule of the 1944 Act (which provides that compensation on compulsory purchase should be the 1939 "after damage")
value as certified for the war damage value payment) in order to reduce that value to "existing use" value.

Clauses 47-48 correct two small defects in the "1939 standard" sections of the 1944 Act.

Clause 49 enables statutory undertakers to purchase land they require at existing use value and on the 1939 standard; this is necessary in order to safeguard the collection of the development charge on such land.

PART IV.—COMPENSATION

17. Compensation on land purchased since 1918.—The compensation under this part is the compensation for having, by the combined effect of the Bill, deprived owners of the "development values" of their land. Clauses 50-52 give effect to the "discount formula" approved by Cabinet. The amount payable is arrived at by first assessing the difference between the "unrestricted value" and the "restricted value," then discounting that amount back at 5 per cent. per annum (compound) to the date on which the owner purchased his interest. If the development value could only have been realised by the owner at the expense of sacrificing the value of some other land an appropriate deduction is made under subsections (3) and (4) of clause 51.

No provision is made for any compensation to owners who purchased land before 1918 or who derived their land by way of gift.

18. Inherited Land.—Compensation for inherited land is calculated under clause 53 by applying to the discounted development value arrived at as above, the percentage rate of death duties actually paid by the owner. Thus, if the property was inherited in 1936, the calculation would be:

Current development value = £1,000.
Discounted for ten years = (say) £616.
Value in 1936 = £500.
Total duty paid by owner = (say) £40.
Effective rate = 8 per cent.
Compensation (viz. 8 per cent. of £616) = £76.

This clause is in square brackets in accordance with Ministers' directions.

19. Improvements.—Where, since the purchase or inheritance, an owner has carried out improvements at his own expense which have increased the development value of the land, clause 54 secures that the compensation for those improvements (either the value or cost, whichever is the less) should be paid at 100 per cent., no discount factor being applied.

20. Merged interests.—Clause 55 provides machinery for apportionment where two or more interests in the land were acquired at different dates.

21. Purchases after introduction of Bill.—Clause 56 preserves the position of vendors and purchasers after the publication of the Bill. It enables the purchaser to "stand in the shoes" of the vendor and thus claim the same compensation as if the sale had not taken place. Alternatively, it is open to the parties to arrange for the right to compensation to be transferred back to the vendor.

22. War Damaged Land.—Clause 57 enables an additional payment to be made in cases where a value payment under the War Damage Act was lower, because of the development value of the land, than it would otherwise have been. It aims at securing parity of treatment between an owner whose land was damaged and an owner of similar property who suffered no damage.

23. Exclusion of small claims.—Clause 58 excludes claims which are—
(a) less than £5, or
(b) based on a development value of £20 per acre or less;
(c) based on a development value of not more than one-tenth of the restricted value.

24. Issue of Compensation Stock.—Clauses 59-62 provide for the issue of stock in satisfaction of compensation not later than five years after the appointed day on which the Act is brought into operation. Interest accrues as from the appointed day.

* C.B. (46) 3rd Meeting, Minute 1, 30th July, 1946.
Provision is made by clause 61 for setting off the compensation due to any person against any development charge payable by that person before the date fixed for the issue of the stock.

PART V—DEVELOPMENT CHARGES

25. This part of the Bill provides for the payment to the Land Commission of such development charge as they may require in respect of any development carried out after the appointed day. Development within "existing use" and the making good of war damage are given statutory exemption. Other exemptions may be provided for from time to time by regulations. (Many of these clauses are machinery provisions only, and the drafting of this Part of the Bill is under review. The salient features are set out in the following paragraphs).

26. Amount of Charge.—No precise formula is provided, but by clause 66 (3) the Commission are required to have regard to any increase in the value of land by reason of the carrying out of the operations, &c., for which planning permission has been granted, and clause 66 (4) enables the Minister, with the consent of the Treasury, to prescribe general principles to be followed by the Commission in determining the charge.

27. Appeal.—No provision is made for any appeal against the charge imposed by the Commission.

28. Penalty.—Clause 70 enables the Commission to impose the charge retroactively on any development carried out without payment, and enables an amount not exceeding double the amount so imposed to be recovered in the Courts by way of penalty.

29. Prevention of speculation.—In order to safeguard against speculation in land scheduled for development, clause 66 enables the Commission to refuse to determine the charge unless they are satisfied that the applicant intends himself to carry out the development within a reasonable period; and clause 68 (4) enables the charge to be re-assessed if the land is disposed of before the development takes place.

PART VI—APPLICATION TO SPECIAL CASES

30. This part of the Bill deals with a number of special cases for which the general machinery needs to be adapted or modified. Many of them are of a purely transitional nature.

31. Existing contraventions.—Clause 73 extends the principle of the Building Restrictions (War-Time Contraventions) Act, 1946, to other buildings, &c., erected in contravention of planning law, which, if they are out of conformity with planning requirements, can be demolished without compensation. Broadly, the effect over the whole field is that the local planning authority are required to make up their minds within three years after the appointed day whether they intend to take action against any such contraventions. If they do, the compensation under Part IV is calculated with full regard to any such action; if they do not, the building is automatically sanctioned and thereafter can only be removed on payment of full compensation.

32. Existing conditions.—Clause 74 preserves the effect of any conditions which have been imposed, under existing law, and preserves the power to enforce any such conditions.

33. Existing consents.—Clause 75 preserves all planning permissions given under the existing Planning Acts since 22nd July, 1943 (the date of the passing of the Town and Country Planning (Interim Development) Act, 1943, which applied planning control to the whole country) as if they were consents under Part II of the Bill. This only applies if the permission has not been acted on; if it has, the question does not arise.

Development in accordance with these consents, if carried out after the appointed day, is, however, within the scope of the development charge, and compensation under Part IV is related to the physical condition of the land at the appointed day.

34. Unfinished Buildings.—Where buildings are in course of erection at the appointed day, clause 76 enables them to be completed without payment of development charge. Compensation under Part IV is then assessed on the assumption that they were complete at the appointed day.
value as certified for the war damage value payment) in order to reduce that value to "existing use" value.

Clauses 47-48 correct two small defects in the "1939 standard" sections of the 1944 Act.

Clause 49 enables statutory undertakers to purchase land they require at existing use value and on the 1939 standard; this is necessary in order to safeguard the collection of the development charge on such land.

**PART IV.—Compensation**

17. **Compensation on land purchased since 1918.**—The compensation under this part is the compensation for having, by the combined effect of the Bill, deprived owners of the "development values" of their land. Clauses 50-52 give effect to the "discount formula" approved by Cabinet. The amount payable is arrived at by first assessing the difference between the "unrestricted value" and the "restricted value," then discounting that amount back at 5 per cent per annum (compound) to the date on which the owner purchased his interest. If the development value could only have been realised by the owner at the expense of sacrificing the value of some other land an appropriate deduction is made under subsections (3) and (4) of clause 51.

No provision is made for any compensation to owners who purchased land before 1918 or who derived their land by way of gift.

18. **Inherited Land.**—Compensation for inherited land is calculated under clause 53 by applying to the discounted development value arrived at as above, the percentage rate of death duties actually paid by the owner. Thus, if the property was inherited in 1936, the calculation would be:

- Current development value = £1,000.
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- Total duty paid by owner = (say) £40.
- Effective rate = 8 per cent.
- Compensation (viz., 8 per cent. of £616) = £76.

This clause is in square brackets in accordance with Ministers' directions.*

19. **Improvements.**—Where, since the purchase or inheritance, an owner has carried out improvements at his own expense which have increased the development value of the land, clause 54 secures that the compensation for those improvements (either the value or cost, whichever is the less) should be paid at 100 per cent; no discount factor being applied.

20. **Merged interests.**—Clause 55 provides machinery for apportionment where two or more interests in the land were acquired at different dates.

21. **Purchases after introduction of Bill.**—Clause 56 preserves the position of vendors and purchasers after the publication of the Bill. It enables the purchaser to "stand in the shoes" of the vendor and thus claim the same compensation as if the sale had not taken place. Alternatively, it is open to the parties to arrange for the right to compensation to be transferred back to the vendor.

22. **War Damaged Land.**—Clause 57 enables an additional payment to be made in cases where a value payment under the War Damage Act was lower, because of the development value of the land, than it would otherwise have been. It aims at securing parity of treatment between an owner whose land was damaged and an owner of similar property who suffered no damage.

23. **Exclusion of small claims.**—Clause 58 excludes claims which are—

- (a) less than £5, or
- (b) based on a development value of £20 per acre or less;
- (c) based on a development value of not more than one-tenth of the restricted value.

24. **Issue of Compensation Stock.**—Clauses 59-62 provide for the issue of stock in satisfaction of compensation not later than five years after the appointed day on which the Act is brought into operation. Interest accrues as from the appointed day.

* C.B. (46) 3rd Meeting, Minute 1, 30th July, 1946.
Provision is made by clause 61 for setting off the compensation due to any person against any development charge payable by that person before the date fixed for the issue of the stock.

**PART V—DEVELOPMENT CHARGES**

25. This part of the Bill provides for the payment to the Land Commission of such development charge as they may require in respect of any development carried out after the appointed day. Development within "existing use" and the making good of war damage are given statutory exemption. Other exemptions may be provided for from time to time by regulations. (Many of these clauses are machinery provisions only, and the drafting of this Part of the Bill is under review. The salient features are set out in the following paragraphs).

26. **Amount of Charge**—No precise formula is provided, but by clause 66 (3) the Commission are required to have regard to any increase in the value of land by reason of the carrying out of the operations, &c., for which planning permission has been granted, and clause 66 (4) enables the Minister, with the consent of the Treasury, to prescribe general principles to be followed by the Commission in determining the charge.

27. **Appeal.**—No provision is made for any appeal against the charge imposed by the Commission.

28. **Penalty.**—Clause 70 enables the Commission to impose the charge retrospectively on any development carried out without payment, and enables an amount not exceeding double the amount so imposed to be recovered in the Courts by way of penalty.

29. **Prevention of speculation**.—In order to safeguard against speculation in land scheduled for development, clause 66 enables the Commission to refuse to determine the charge unless they are satisfied that the applicant intends himself to carry out the development within a reasonable period; and clause 68 (4) enables the charge to be re-assessed if the land is disposed of before the development takes place.

**PART VI—APPLICATION TO SPECIAL CASES**

30. This part of the Bill deals with a number of special cases for which the general machinery needs to be adapted or modified. Many of them are of a purely transitional nature.

31. **Existing contraventions.**—Clause 73 extends the principle of the Building Restrictions (War-Time Contraventions) Act, 1946, to other buildings, &c., erected in contravention of planning law, which, if they are out of conformity with planning requirements, can be demolished without compensation. Broadly, the effect over the whole field is that the local planning authority are required to make up their minds within three years after the appointed day whether they intend to take action against any such contraventions. If they do, the compensation under Part IV is calculated with full regard to any such action; if they do not, the building is automatically sanctioned and thereafter an only be removed on payment of full compensation.

32. **Existing conditions.**—Clause 74 preserves the effect of any conditions which have been imposed, under existing law, and preserves the power to enforce any such conditions.

33. **Existing consents.**—Clause 75 preserves all planning permissions given under the existing Planning Acts since 22nd July, 1943 (the date of the passing of the Town and Country Planning (Interim Development) Act, 1943, which applied planning control to the whole country) as if they were consents under Part II of the Bill. This only applies if the permission has not been acted on; if it has, the question does not arise.

Development in accordance with these consents, if carried out after the appointed day, is, however, within the scope of the development charge, and compensation under Part IV is related to the physical condition of the land at the appointed day.

34. **Unfinished Buildings.**—Where buildings are in course of erection at the appointed day, clause 76 enables them to be completed without payment of development charge. Compensation under Part IV is then assessed on the assumption that they were complete at the appointed day.
35. Compensation for Abortive Expenditure.—Clause 77 preserves an owner's rights under existing law to compensation for abortive expenditure if renewal of a permission granted before 1943 is refused.

36. Local Authority Land.—Clause 79 provides, as regards land held by local authorities at the appointed day for express statutory purposes, that—
(a) no compensation is to be paid under Part IV;
(b) no development charge is to be imposed in respect of the use of the land for any statutory purpose;
(c) the authority will be able to realise the value of the land for the prevailing use in the area if they dispose of the land for other development or if it is purchased compulsorily.

37. Land in Redevelopment Areas and New Town Areas.—Clause 80 excepts from development charge any land purchased by a local authority for development or redevelopment as a whole, or by a development corporation under the New Towns Act, and enables the Minister to require payment to the Land Commission from time to time of a comprehensive charge instead. Land of this kind held at the appointed day is also excluded from the compensation payable under Part IV.

38. Statutory Undertakers' Land.—Clause 81 applies to operational land of statutory undertakers held at the appointed day the same principles as are applied to local authority land (see Clause 79).

39. National Coal Board.—By provisions in Clause 81 the National Coal Board is excluded from claiming compensation under Part IV in respect of their ownership of coal resources, and is exempt from development charge in respect of future mining operations. Where coal resources are sterilised by the operation of planning control, the National Coal Board is entitled to claim compensation on the same basis as statutory undertakers.

40. Charity Land.—A provision similar to that for statutory undertakers' land is applied by Clause 82 to the land of churches, hospitals, schools and other such charities.

41. Crown Land.—On the planning side, it is intended to preserve the position under present planning law, which is that local planning control does not operate against the Crown. No compensation will be paid under Part IV in respect of land held by Government Departments, and development by Departments will not be subject to development charge.

42. Requisitioned Land.—Compensation under Part IV will normally be assessed by reference to the state of the land before requisition. There will be provision for adjustment if necessary where the landowner receives on derequisition the benefit of a building erected at Government expense (Clause 84).

PART VII—SUPPLEMENTAL

43. This Part contains a number of financial and supplementary powers of which only the more important are set out in the following paragraphs.

44. Exchequer Grants (Clauses 88-90).—These Clauses are dealt with in Appendix B.

45. Contributions from other Sources.—Clauses 91 and 92 enable any local authority, statutory undertaker or Minister to contribute towards the expenses incurred by a local planning authority or district council in the exercise of functions under the Bill. This is to meet the case where action is taken by an authority at the request of some other body, or at the direction of the Minister, for the benefit or partial benefit of that body. Contributions by Ministers are limited to cases where some special benefit is secured in the national interest.

46. London.—Clause 105 makes certain adaptations for the administrative County of London in order to secure consultation and co-ordination between the L.C.C. and the City, and the L.C.C. and the Metropolitan Borough Councils.
APPENDIX B
FINANCIAL MEMORANDUM

I.—ESTIMATE OF COST OF COMPENSATION AND OF INCOME FROM DEVELOPMENT CHARGES

1. There is no basis on which a close estimate can be made of the total amount of compensation payable in respect of the restriction of development rights, but it is considered that it will be of the order of £400 million. Compensation will be satisfied by the issue of compensation stock on a date to be fixed by the Treasury, being not more than five years after the appointed day (Clause 59). Interest will accrue on the amount of compensation as from the appointed day at a rate to be prescribed by the Treasury, and will be paid in cash by the Land Commission on the date on which the stock is issued (Clause 61).

2. The Exchequer will recoup the compensation debt by way of twenty equal annual instalments of principal and interest combined from the Land Commission's Vote (Clause 62).

3. Development charges will be collected by the Land Commission and paid into the Exchequer (Clause 67). In practice, they will in whole or part be appropriated in aid of the Land Commission's Vote. Where a person to whom compensation is due becomes liable to pay development charges before the compensation stock is issued, the development charges will be set-off against the compensation and only the excess will be met by the issue of stock on the date fixed by the Treasury (Clause 59). The amount that will be received by way of development charges will depend on the course of future development. For the purpose of preparing an estimate it has been assumed that, for the first ten years, development will proceed at a steady rate approximating to the pre-1939 rate, and that thereafter the rate will taper off to nothing by the thirtieth year. On this basis it is estimated that the total amount of development charges that should accrue during that period will be approximately £660 million, of which about £80 million may be set off against compensation due during the period between the appointed day and the date on which compensation stock is issued. This sum will, however, be subject to variation on account of the following factors. It will tend to increase (i) because the assumption that development charges will cease after 30 years may be unduly pessimistic and (ii) because of the change in the value of money since 1939. It will tend to be reduced in respect of development on which development charges will either not be payable or will be reduced, viz., (iii) cases where less than the full development value is charged to private developers, (iv) development by Government departments, (v) development by New Town Development Corporations and (vi) development by local authorities in redevelopment areas (Clause 80). In the case of New Town Development Corporations and local authorities a payment in lieu of development charges will be imposed as the Minister may determine, and this may reduce the grants payable from the Exchequer. In the case of development by Government departments the enhanced value of the land is retained by the Department and in the case of New Town Development Corporations it may be recouped in part when a Corporation is wound up and its assets disposed of. Whilst, therefore, the development charges actually imposed may amount in the aggregate to less than the expenditure required to meet the compensation debt and the administrative expenses involved, this would not be a complete picture of the effect of the Bill on the nation's finances as a whole.

4. The restriction of development rights will exclude from the value of land any development value which it previously possessed and will in consequence reduce the value of land on which death duties will be assessed. The value of compensation stock issued will, however, come into estate duty liability and will partially offset this loss in capital values of land. The effect on the yield of estate duty is not expected to be substantial.

II.—REVISED GRANTS SCHEME IN RESPECT OF THE RE-DEVELOPMENT OF AREAS OF EXTENSIVE WAR DAMAGE, AREAS OF BAD LAYOUT OR OBSOLETE DEVELOPMENT AND ANY ASSOCIATED OVERSPILL AREAS, OR OF AREAS OF DERELICTION

5. The revised grants scheme will supersede the grants scheme provisions in the Town and Country Planning Act, 1944, which relate only to areas of extensive war damage and will be applied retrospectively to re-development schemes approved by the Minister since 17th November, 1944.
The total cost to local authorities in respect of the acquisition and clearing of land in areas of extensive war damage may be of the order of £600 million spread over a period of about twenty-five years. The cost to local authorities in respect of areas of bad layout or obsolete development or dereliction is not expected to exceed £15 million per annum during the next five years, after which the cost will probably rise.

6. The Minister will have power under Clause 88 to provide by regulations, with the consent of the Treasury, for the payment of grants in respect of loan charges on money borrowed or assumed to be borrowed by local authorities relating to (i) the cost of acquisition and clearing of land for the purpose of redevelopment schemes during the period from the date of acquisition of land to the date on which it is available for redevelopment, and to (ii) any capital loss incurred as a result of redevelopment, i.e., the difference between the cost of acquisition and clearing of the land and its value for the purpose of the local authority service to which it is transferred; the valuation will be carried out by the Valuation Office to such an extent as the Minister may specify.

7. It is proposed to provide by regulations for a scale of grants at different percentage rates to be paid for the years one to five, six to ten and eleven to sixty respectively. The range of grants may vary from 90, 30 and 20 per cent. to 90, 70 and 60 per cent. in the case of areas of extensive war damage and from 80, 30 and 10 per cent. to 80, 70 and 60 per cent. in the case of areas of bad layout, obsolete development or dereliction. The range is, however, under consideration and may be subject to modification. The basis of the application of the scale to individual local authorities will depend upon (i) the local authority’s financial strength, and (ii) the financial burden incurred by the local authority on redevelopment.

8. The payment of grants will be conditional upon the Minister being satisfied that the local authorities are carrying out schemes of redevelopment in a reasonably expeditious and efficient manner, and that the disposal of land is effected on lines approved by him.

9. The cost of grants is estimated to amount to £100,000 in the year ending 31st March, 1948, rising to about £3 million per annum five years later, and to an ultimate peak of two to three times that amount.

III—Grants in Respect of Planning Expenditure Incurred by Local Authorities outside Redevelopment Areas

10. The Minister will have power under Clause 89 to make regulations with the consent of the Treasury providing for the payment of grant to local authorities in respect of compensation paid under Part II of the Bill, or in respect of any capital loss incurred by a local authority for planning reasons in the acquisition of land and its diversion to a less valuable use. It will be a condition of the payment of grant in such cases that the Minister’s prior approval is obtained.

The types of cases to which this grants scheme will apply will be defined in the regulations after consultation with the Local Authorities’ Associations. The percentage grants payable will be that appropriate to the individual local authority for the eleventh to sixtieth years in respect of redevelopment schemes. No reliable estimate of the amount of grant can be made at present.
Town and Country Planning Bill.

ARRANGEMENT OF CLAUSES.

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

Clause.
1. The Minister.
4. Local planning authorities.

PART II.

PLANNING AND CONTROL OF DEVELOPMENT, &c.

Development plans.
5. Surveys of planning areas and preparation of development plans by local planning authorities.
6. Additional powers of the Minister with respect to development plans.
7. Incorporation in development plans of orders relating to trunk roads and new towns.
8. Supplementary provisions as to development plans.

Permission to develop land.
9. Obligation to obtain permission for development.
11. Applications to local planning authorities for permission to develop.
12. Reference of applications to Minister.
13. Appeals to, and determinations of applications by the Minister.
14. Applications to determine whether permission to develop required.
15. Supplementary provisions as to grant of permission.
16. Obligation to purchase land on refusal of permission in certain cases.
17. Compensation for refusal of permission in certain cases.
18. Revocation and modification of permission to develop.
19. Supplementary provisions as to revocation and modification of permission to develop.
20. Enforcement of planning control.
21. Supplementary provisions as to enforcement.

12—3
Additional powers of control.

Clause.
22. Powers relating to conforming uses.
23. Provisions supplementary to s. 22.
24. Power to make orders for preservation of trees and woodlands.
25. Orders for the preservation of buildings of special architectural or historic interest.
26. Lists of buildings of special architectural or historic interest.
27. Control of advertisements.
28. Provisions supplementary to s. 27.
29. Power to require proper maintenance of waste land, etc.

Supplemental.
30. Application to operational land of statutory undertakers.
31. Application to land of local planning authorities.
32. Application to land regulated by special Acts, etc.
33. Default powers of Minister under Part II.
34. Temporary provisions pending approval of plans.

PART III.

ACQUISITION OF LAND.

Acquisition and disposal of land for planning purposes.
35. Compulsory acquisition by Ministers, local authorities and statutory undertakers of land for purposes of their functions.
36. Compulsory acquisition by local authorities of land for development.
37. Power to expedite completion of purchase under s. 36.
38. Power to acquire land by agreement.
39. Power to acquire buildings of special architectural or historic interest.
40. Power of local authorities to appropriate certain land for planning purposes.
41. Acquisition of land by Land Commission.
42. General provisions as to land acquired under Part III.
43. Construction of highways on land acquired under Part III.
44. Saving as to existing powers.
45. Amendment of 9 & 10 Geo. 6. in relation to acquisition of land under Part III.

Amendments of Law relating to Compensation on Compulsory Acquisition of Land.
46. Assumptions to be made in assessing compensation on compulsory acquisition.
47. Amendment of s. 57 and Seventh Schedule to Act of 1944.
48. Amendments of Eighth Schedule to Act of 1944.
49. Application of 9 & 10 Geo. 5. c. 57 to purchases by statutory undertakers.
PART IV.

COMPENSATION.

Clause.

50. Compensation in respect of land purchased for value since 1918.
51. Computation of restricted and unrestricted values.
52. Provisions as to purchases.
53. Compensation in respect of land on which death duties have been paid since 1918.
54. Compensation for expenditure on improvements.
55. Application to land held under separate titles, etc.
56. Rights of purchasers for value after [date of introduction].
57. Compensation in case of certain war-damaged land.
58. Exclusion of small claims.

Satisfaction of Compensation.

59. Satisfaction of compensation by issue of stock, etc.
60. General provisions as to compensation stock.
61. Interest on compensation.

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63. Vesting and assignment of compensation under Part IV.
64. Provisions as to claims for compensation.

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DEVELOPMENT CHARGES.

65. Levy of development charge in respect of certain development.
67. Payment and security for payment of development charges.
68. Scope and effect of determinations of Land Commission.
69. Variation of determinations and repayment of development charges in certain cases.
70. Powers of Land Commission as to development carried out in contravention of Part V.
71. Provisions as to applications for determinations under Part V.
72. Application of Part V to operations and uses for the purposes of advertisement.
Clause.

**PART VI.**

**APPLICATION TO SPECIAL CASES.**

73. Existing development contravening previous planning control.
74. Existing development authorised subject to conditions.
75. General provisions as to development authorised under interim development orders after 22nd July, 1943.
76. Unfinished buildings.
77. Compensation for abortive expenditure on refusal of permission for other development authorised before appointed day.
78. Mining operations.
79. Land held by local authorities for general statutory purposes.
80. Land acquired by local authorities and development corporations for comprehensive development or re-development.
81. Operational land of statutory undertakers.
82. Land held for charitable purposes.
84. Requisitioned land.
85. Determination of questions under Part VI.

**PART VII.**

**SUPPLEMENTAL.**

**Supplementary Provisions as to local planning authorities.**

86. Default powers of Minister.
87. Transfer of property and officers to local planning authorities under this Act.

**Finances of Local Authorities,**

88. Exchequer grants to local authorities in respect of acquisition and clearance of land in re-development areas, etc.
89. Other Exchequer grants to local authorities.
90. General provisions as to Exchequer grants to local authorities.
91. Power of local authorities and statutory undertakers to contribute towards expenses of local planning authorities, etc.
92. Contributions towards compensation paid by local planning authorities.
93. Expenses of local authorities and power to borrow.

**General Provisions.**

94. Powers of entry.
95. Local inquiries, etc.
96. Service of notices.
97. Provisions as to Ecclesiastical property.
98. Expenses of appeals tribunals.
Clause.

99. Expenses of Ministers.
100. Determination of disputes as to compensation, etc.
101. Information as to death duties and rating valuations.
102. Regulations and orders.
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104. Amendments and repeals.
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106. Interpretation.
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   Part I.—Joint Planning Boards.
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Third Schedule.—Classes of development excepted from payment of development charge.

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Sixth Schedule.—Enactments amended.

Seventh Schedule.—Enactments repealed.

Eighth Schedule.—Matters in respect of which Planning Schemes remain in force.
DRAFT OF A BILL

To

Make fresh provision for planning the development and use of land, for the grant of permission to develop land and for other powers of control over the use of land; to confer on local and central authorities additional powers in respect of the acquisition of land for planning and other purposes, and to amend the law relating to compensation in respect of the compulsory acquisition of land; to provide for the payment out of central funds of compensation in respect of depreciation occasioned by planning restrictions affecting new development, and for the payment by local planning authorities of compensation in respect of depreciation or loss occasioned by interference with existing development; to secure the recovery for the benefit of the community of development charges imposed in respect of certain new development of land; and for purposes connected with the matters aforesaid.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

1. The Minister for the purposes of this Act shall be the Minister of Town and Country Planning, and the expression "the Minister" in this Act shall be construed accordingly.

2. For the purpose of the performance of the functions assigned to them by the following provisions of this Act, and any corresponding provisions which may be enacted in
relation to Scotland, there shall be established a Commission, to be called the [Land Commission] which shall be a body corporate by that name; with perpetual succession and a common seal.

(2) The Commission shall consist of a chairman and such number of other members (not exceeding nine) as the Ministers may think expedient, to be appointed by the Ministers, and the Ministers may appoint one of the members of the Commission to act as deputy chairman.

(3) The Ministers may appoint a Secretary to the Commission, and the Commission may appoint such other officers and such servants as the Ministers may, with the consent of the Treasury, determine.

(4) There shall be paid to the members, officers and servants of the Commission such remuneration (whether by way of salaries or by way of fees), and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as may be determined by the Ministers with the consent of the Treasury; and any such remuneration and allowances as aforesaid shall be defrayed out of moneys provided by Parliament.

(5) The Ministers may make regulations with respect to any of the following matters, that is to say:

(a) the appointment of members of the Commission, and their tenure and vacation of office;

(b) the quorum, proceedings and meetings of the Commission, and determinations of the Commission; and

(c) the execution of instruments by or on behalf of the Commission, and the proof of documents purporting to be executed, issued or signed by the Commission or by a member, officer or servant thereof, and subject to the provisions of any such regulations as aforesaid, the Commission shall have power to regulate their own procedure.

(6) In this section the expression the "Ministers" means the Minister and the Secretary of State concerned with town and country planning in Scotland.

3.—(1) The Land Commission shall, in the performance of their functions under this Act, comply with such directions as may be given to them by the Minister.

(2) The functions under this Act of the Commission, and of their officers and servants, shall be exercised on behalf of the Crown.

(3) Any administrative expenses incurred for the purposes of this Act by the Commission with the approval of the Minister shall, to such extent as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.
4.—(1) Subject to the provisions of this section, the local planning authority for the purposes of this Act shall, for each county or county borough, be the council of that county or borough.

5. (2) If it appears to the Minister that it is expedient that a joint board should be established as the local planning authority for the areas of any two or more such councils as aforesaid, or for any parts of those areas, he may by order constitute those areas or parts as a united district for the purposes of this Act, and constitute a joint board (in this Act referred to as a joint planning board) as the local planning authority for that district:

Provided that the Minister shall not make such an order except after holding a local inquiry unless all the councils concerned have consented to the making of the order.

(3) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the constitution of joint planning boards under this section; and the provisions of Parts II and III of that Schedule shall have effect with respect to the establishment and functions of planning committees and joint planning committees of local planning authorities (including regional advisory committees), and of sub-committees of such committees.

(4) References in this Act to a local planning authority (except references thereto in Parts II and III of the said First Schedule) or to a local authority shall include references to a joint planning board constituted under this section; and references in this Act to the area of a local planning authority shall be construed—

(a) in relation to a joint planning board, as references to the united district for which the board is constituted; and

(b) in relation to a local planning authority for an area of which part only is included in such a district, as references to that part of that area which is not so included.

**PART II.**

**PLANNING AND CONTROL OF DEVELOPMENT, &C.**

**Development plans.**

5.—(1) As soon as may be after the commencement of this Act, every local planning authority shall carry out a survey of their area, and shall, not later than three years after the commencement of this Act, or within such extended period as the Minister may in any particular case allow, submit to the Minister a report of the survey together with a plan (hereinafter called a "development plan") indicating the manner

A.D. 1946.

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**PART I.**

Local planning authorities.
in which they propose that land in that area should be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development should be carried out.

(2) Subject to the provisions of any regulations made under this Act for regulating the form and content of development plans, any such plan shall consist of such maps and such descriptive matter as may be necessary to indicate (with such degree of particularity as may be appropriate to different parts of the area) the proposed use of land in the area to which the plan relates; and any such plan may in particular—

(a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;

(b) designate, as land subject to compulsory acquisition under the powers in that behalf conferred by this or any other Act—

(i) any land required by any Minister, local authority or statutory undertakers for the purposes of any of their functions;

(ii) any land defined by the plan as an area which is to be developed or redeveloped as a whole (including any area of extensive war damage or of bad lay-out or obsolete development, or any land allotted by the plan for the relocation of population or industry or the replacement of open space in the course of such development or redevelopment);

(iii) any other land which, in the opinion of the local planning authority, is likely to require compulsory acquisition for the purpose of securing its use in the manner proposed by the plan.

(3) The Minister may approve any development plan submitted to him under this section either without modification or subject to such modifications as he considers expedient:

Provided that—

(a) the Minister shall not approve a development plan which designates any land as subject to compulsory acquisition as aforesaid unless, in his opinion, the land is likely to be required for the purpose for which it is so designated within ten years from the date on which the plan is approved; and

(b) the Minister shall not, except with the consent of all persons interested, approve a development plan
subject to a modification designating as subject to compulsory acquisition any land not so designated in the plan as submitted to him.

(4) At least once in every five years after the date on which a development plan for any area is approved by the Minister, the local planning authority shall carry out a fresh survey of that area, and submit to the Minister a report of the survey, together with proposals for any alterations or additions to the plan which appear to them to be required having regard thereto; and without prejudice to the foregoing provision, any local planning authority may at any time, and shall if so required by directions of the Minister, submit to the Minister proposals for such alterations or additions to the development plan relating to their area as appear to them to be expedient, or as may be required by those directions, as the case may be.

(5) Where proposals for alterations or additions to a development plan are submitted to the Minister under the last foregoing subsection, the Minister may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations:

Provided that the proviso to subsection (3) of this section shall apply in relation to the amendment of a development plan by the Minister as it applies in relation to the approval of such a plan by him, and for that purpose shall have effect—

(a) as if for the reference in paragraph (a) to the date on which the plan is approved there were substituted a reference to the date on which the amendment is effected; and

(b) as if for the reference in paragraph (b) to the plan as submitted to the Minister there were substituted a reference to the proposals submitted to him under the last foregoing subsection.

(6) At any time before a development plan with respect to the whole of the area of a local planning authority has been approved under this section, that authority may, with the consent of the Minister, and shall if so required by directions of the Minister, prepare and submit to him a development plan relating to any part of that area, and the foregoing provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of that area:

Provided that in any such case the periods of five years mentioned in subsection (4) of this section shall run from the date on which development plans in respect of the whole of the area of the local planning authority have been approved by the Minister.
in which they propose that land in that area should be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development should be carried out.

(2) Subject to the provisions of any regulations made under this Act for regulating the form and content of development plans, any such plan shall consist of such maps and such descriptive matter as may be necessary to indicate (with such degree of particularity as may be appropriate to different parts of the area) the proposed use of land in the area to which the plan relates; and any such plan may in particular—

(a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;

(b) designate, as land subject to compulsory acquisition under the powers in that behalf conferred by this or any other Act—

(i) any land required by any Minister, local authority or statutory undertakers for the purposes of any of their functions;

(ii) any land defined by the plan as an area which is to be developed or redeveloped as a whole (including any area of extensive war damage or of bad lay-out or obsolete development, or any land allotted by the plan for the relocation of population or industry or the replacement of open space in the course of such development or redevelopment);

(iii) any other land which, in the opinion of the local planning authority, is likely to require compulsory acquisition for the purpose of securing its use in the manner proposed by the plan.

(3) The Minister may approve any development plan submitted to him under this section either without modification or subject to such modifications as he considers expedient:

Provided that—

(a) the Minister shall not approve a development plan which designates any land as subject to compulsory acquisition as aforesaid unless, in his opinion, the land is likely to be required for the purpose for which it is so designated within ten years from the date on which the plan is approved; and

(b) the Minister shall not, except with the consent of all persons interested, approve a development plan
subject to a modification designating as subject to compulsory acquisition any land not so designated in the plan as submitted to him.

4. At least once in every five years after the date on which a development plan for any area is approved by the Minister, the local planning authority shall carry out a fresh survey of that area, and submit to the Minister a report of the survey, together with proposals for any alterations or additions to the plan which appear to them to be required having regard thereto; and without prejudice to the foregoing provision, any local planning authority may at any time, and shall if so required by directions of the Minister, submit to the Minister proposals for such alterations or additions to the development plan relating to their area as appear to them to be expedient, or as may be required by those directions, as the case may be.

5. Where proposals for alterations or additions to a development plan are submitted to the Minister under the last foregoing subsection, the Minister may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations:

Provided that the proviso to subsection (3) of this section shall apply in relation to the amendment of a development plan by the Minister as it applies in relation to the approval of such a plan by him, and for that purpose shall have effect—

a) as if for the reference in paragraph (a) to the date on which the plan is approved there were substituted a reference to the date on which the amendment is effected; and

b) as if for the reference in paragraph (b) to the plan as submitted to the Minister there were substituted a reference to the proposals submitted to him under the last foregoing subsection.

6. At any time before a development plan with respect to the whole of the area of a local planning authority has been approved under this section, that authority may, with the consent of the Minister, and shall if so required by directions of the Minister, prepare and submit to him a development plan relating to any part of that area, and the foregoing provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of that area:

Provided that in any such case the periods of five years mentioned in subsection (4) of this section shall run from the date on which development plans in respect of the whole of the area of the local planning authority have been approved by the Minister.
6.—(1) Where, by virtue of any of the provisions of the last foregoing section, or of any directions of the Minister thereunder, any development plan, report or proposals for alterations or additions to a development plan are required to be submitted to the Minister, then—

(a) if within the period prescribed in that behalf by those provisions or directions no such plan, report or proposals, or no such plan or proposals satisfactory to the Minister, have been so submitted; or

(b) if at any time it appears to the Minister that the local planning authority are not taking the steps necessary to enable them to submit such a plan, report or proposals within that period,

the Minister may, after carrying out any survey which appears to him to be expedient for the purpose, make such development plan, or as the case may be, amend the development plan to such extent, as he considers expedient.

(2) Where, under the foregoing provisions of this section, the Minister has power to make or amend a development plan, he may, if he thinks fit, authorise the local planning authority for any other area to submit such a plan to him for his approval, or, as the case may be, to submit to him proposals for the amendment of the plan, and to carry out any survey of the land which appears to him to be expedient for the purpose, and may approve any plan so submitted either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend the plan to such extent as he considers expedient having regard to the proposals so submitted and to any other material considerations.

(3) The provisions of the last foregoing section shall, so far as applicable, apply to the making, approval or amendment of development plans under this section, and to plans so made, approved or amended, as they apply to the approval or amendment of development plans under that section, and to plans approved or amended thereunder.

7.—(1) Where an order is made by the Minister of Transport in accordance with the Second Schedule to the Trunk Roads Act, 1946, directing that any road proposed to be constructed by him shall become a trunk road, or authorising him to construct or improve any road under section four of that Act, any development plan relating to land on which a road is to be constructed or improved in accordance with that order shall have effect, with any necessary modifications, as if the provisions of that order were included in the development plan.
(2) Where an order is made by the Minister under section one of the New Towns Act, 1946, designating any area as the site of a new town under that Act, any development plan relating to land in that area shall have effect, with any necessary modifications, as if the provisions of that order were included in the plan.

(3) Nothing in this section shall be construed as prohibiting the inclusion in a development plan, as approved or made by the Minister or as for the time being amended, of provisions defining the line of roads proposed to be constructed by the Minister of Transport in accordance with any such order as is mentioned in subsection (1) of this section, or areas designated as the sites of new towns by any such order as is mentioned in subsection (2) of this section, or of provisions defining land as likely to be made the subject of any such order as aforesaid.

(4) Provision may be made by regulations under this Act for enabling any proceedings preliminary to the making of any such order as is mentioned in subsection (1) or subsection (2) of this section to be taken concurrently with proceedings required under this Act to be taken in connection with the approval, making or amendment of a development plan relating to land to which any such order applies.

8.—(1) Provision may be made by regulations under this Act with respect to the form and content of development plans, and with respect to the procedure to be followed in connection with the preparation, submission, approval, making and amendment of such plans, and such regulations shall in particular make provision for securing—

(a) that notice shall be given by advertisement of the submission to the Minister of any such plan or of proposals for the amendment of any such plan, and of any proposal by the Minister to make or amend such a plan;

(b) that objections and representations duly made in accordance with the regulations shall be considered, and that such local inquiries or other hearings as may be prescribed by the regulations shall be held, before such a plan is approved, made or amended by the Minister; and

(c) that copies of any such plan as approved or made by the Minister, including any amendments thereof, shall be available for inspection and on sale to the public on payment of such reasonable sum as may be prescribed by the regulations.

(2) Subject to the provisions of any such regulations as aforesaid, the Minister may give directions to any local planning authority, or to local planning authorities generally—
(a) for regulating the manner in which their functions under the foregoing provisions of this Part of this Act shall be performed;

(b) for requiring them to furnish to him such information as he may require for the purpose of the exercise of any of his functions under those provisions.

(3) Where, under section six of this Act, a plan, or proposals for the amendment of a plan, are authorised to be submitted to the Minister by the local planning authority for any area other than the area in which the land is situated, any expenses reasonably incurred in that behalf by the said authority, as certified by the Minister, shall be repaid to that authority by the local planning authority for the area in which the land is situated.

(4) Any expenses incurred by the Minister under section six of this Act in connection with the making or amendment of a plan with respect to the area, or any part of the area, of a local planning authority, shall be paid in the first instance out of moneys provided by Parliament, but so much of those expenses as may be certified by the Minister to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Minister and shall be recoverable as a debt due to the Crown.

(5) Where a development plan as proposed to be approved, made or amended by the Minister, designates as subject to compulsory acquisition any such land as is mentioned in paragraph 9 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which makes special provision in relation to the compulsory acquisition of land of local authorities and statutory undertakers and inalienable land of the National Trust) then if objection to the proposed designation is duly made by the local authority or statutory undertakers or the National Trust, as the case may be, the land shall not be so designated except in pursuance of an order made by the Minister (or, in the case of land being operational land of statutory undertakers, by the Minister and the appropriate Minister); and any such Order shall be subject to special Parliamentary procedure.

Permission to develop land.

9.—(1) Subject to the provisions of this section and to the following provisions of this Act, permission shall be required under this Part of this Act in respect of any development of land which is carried out after the appointed day.

(2) In this Act, except where the context otherwise requires, the expression "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, and the making of any material change in the use of any buildings or other land:
Provided that the following operations or uses of land shall not be deemed for the purposes of this Act to involve development of the land, that is to say:—

(a) the carrying out of works for the maintenance of any building not being works which materially affect the design or external appearance of the building;
(b) the carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road;
(c) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
(d) the use of any buildings or other land for the purposes of agriculture;
(e) in the case of buildings or land which are used for a purpose of any class specified in an order made by the Minister under this section, the use thereof for any other purpose of the same class;
(f) in the case of buildings or land which are derelict or unoccupied, the use thereof for the purpose for which they were last used.

(3) For the avoidance of doubt it is hereby declared that for the purposes of this section—

(a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part thereof which is so used;
(b) the deposit of refuse or waste materials on land may involve a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if the superficial area of the deposit is thereby extended.

(4) Subject to the provisions of any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

(5) Notwithstanding anything in this section, permission shall not be required under this Part of this Act—

(a) in the case of land which, on the appointed day, is being used temporarily for a purpose other than the purpose for which it is normally used, in respect of the resumption of the use of the land for the last-mentioned purpose;
(b) in the case of land which, on the appointed day, is normally used for one purpose and is also used on
A.D. 1946.

PART II.
—cont.

Development orders.

10.—(1) The Minister shall by order provide for the grant of permission for the development of land under this Part of this Act, and such permission may be granted—
(a) in the case of any development specified in any such order, or in the case of development of any class so specified, by that order itself;
(b) in any other case, by the local planning authority (or, in the cases hereinafter provided, by the Minister) on an application in that behalf made to the local planning authority in accordance with the provisions of the order.

(2) An order under subsection (1) of this section (hereinafter called a "development order") may be made either as a general order applicable (subject to such exceptions as may be specified therein) to all land, or as a special order applicable only to such land as may be so specified, and the permission granted by any such order may be granted either unconditionally or subject to such conditions or limitations as may be so specified.

(3) Without prejudice to the generality of the last foregoing subsection, a development order which grants permission for any development may—
(a) where permission is thereby granted for the erection, extension or alteration of any buildings, require the approval of the local planning authority to be obtained with respect to the design or external appearance thereof;
(b) where permission is thereby granted for development of any specified class, enable the Minister or the local planning authority to direct that that permission shall not apply, either in relation to development in any particular area or in relation to any particular development.

(4) A development order may suspend any enactment so far as appears to the Minister to be expedient for the purpose of enabling development to be carried out in accordance with this Part of this Act, or otherwise for the purpose of promoting proper development in accordance with the development plan.

(5) A development order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provided that, without prejudice to the foregoing provision, where any such order suspends any enactment contained in a public general Act (other than any of the excepted enact-
ments specified in the Second Schedule to this Act) that provi-
sion shall be of no effect until it is approved by resolution of
each House of Parliament.

11.—(1) Subject to the provisions of this and the next
5 following section, where application is made to the local plan-
ing authority for permission to develop land, that authority
may grant permission either unconditionally or subject to such
conditions as they think fit, or may refuse permission; and in
dealing with any such application the local planning authority
shall have regard to the provisions of the development plan,
so far as material thereto, and to any other material considera-
tions.

(2) Without prejudice to the generality of the foregoing
subsection, the conditions which may be imposed on the grant
of permission to develop land thereunder shall include
conditions—

(a) regulating the development or use of any land under
the control of the applicant (whether or not it is land
in respect of which the application was made) or
requiring the carrying out of works on any such land,
so far as appears to the local planning authority to
be required for the purposes of or in connection with
the development authorised by the permission;

(b) requiring the removal of any buildings or works
authorised by the permission, or the discontinuance
of any use of land so authorised; at the expiration
of a specified period, and the carrying out of any
works required for the re-instatement of land at the
expiration of that period;

and any permission granted subject to any such condition as
is mentioned in paragraph (b) of this subsection is in this Act
referred to as permission granted for a limited period only.

(3) Provision may be made by a development order for
prescribing the classes of persons by whom, and the procedure
by which, applications may be made to the local planning
authority for permission to develop land, and for regulating
the manner in which such applications are to be dealt with by
that authority; and in particular provision may be made by
any such order—

(a) for dispensing with separate applications for permis-
sion in the case of development of which plans and
specifications are submitted under building byelaws,
and in other similar cases;

(b) for enabling the Minister (or, in the case of develop-
ment affecting trunk roads, the Minister of Transport)
to give directions restricting the grant of permission
by the local planning authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;

(c) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order, or by directions given by the Minister thereunder, to grant permission for development which does not accord with the provisions of the development plan;

(d) for requiring the local planning authority, before granting or refusing permission for any development, to consult with such authorities or persons as may be prescribed by the order or by directions given by the Minister thereunder;

(e) for requiring the local planning authority to give to any applicant for permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;

(f) for requiring the local planning authority to furnish to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for permission made to them, including information as to the manner in which any such application has been dealt with.

(4) Every local planning authority shall keep, in such manner as may be prescribed by the development order, a register containing such information as may be so prescribed with respect to applications for permission made to that authority, including information as to the manner in which such applications have been dealt with; and every such register shall be available for inspection by the public at all reasonable hours.

12.—(1) The Minister may give directions to any local planning authority, or to local planning authorities generally, requiring that any application for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the local planning authority, and any such application shall be so referred accordingly.

(2) Where an application for permission to develop land is referred to the Minister under this section, the provisions of subsections (1) and (2) of the last foregoing section shall...
apply, subject to any necessary modifications, in relation to the determination of the application by the Minister as they apply in relation to the determination of such an application by the local planning authority:

5 Provided that before determining any such application the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

10 (3) The decision of the Minister on any application referred to him under this section shall be final.

13.—(1) Where application is made under this Part of this Act to a local planning authority for permission to develop land, or for any approval of that authority required under a development order, and that permission or approval is refused by that authority, or is granted by them subject to conditions, then if the applicant is aggrieved by their decision he may by notice served within the time and in the manner prescribed by the development order, appeal to the Minister:

20 Provided that the Minister shall not be required to entertain an appeal under this subsection in respect of the determination of an application for permission to develop land if it appears to him that permission for that development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section eleven of this Act and of the development order, and to any directions given under that order.

(2) Where an appeal is brought under this section from a decision of the local planning authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the local planning authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance; and the provisions of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant
and the local planning authority, the local planning authority either—

(a) give notice to the applicant of their decision on any application for permission to develop land, or for any approval required under a development order, made to them under this Part of this Act, or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given by him under the last foregoing section, the provisions of subsection (1) of this section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the local planning authority.

(4) Provision may be made by a development order for securing that in the case of decisions by a local planning authority of such classes as may be prescribed by the order (being decisions relating to the design or external appearance of buildings or other similar matters) any appeal under this section shall lie to an independent tribunal established in accordance with the provisions of this order instead of to the Minister; and in relation to any such appeal the foregoing provisions of this section shall apply, subject to such adaptations and modifications as may be specified in the order, as they apply in relation to appeals to the Minister thereunder.

14.—(1) If any person by whom an application is or could be made under this Part of this Act for permission to develop any land wishes to have it determined whether the carrying out of any specified operations on the land, or the use thereof for any specified purpose, would constitute or involve development of the land within the meaning of this Act, he may, either as part of an application for permission to carry out those operations or to institute that use, or without any such application, apply to the local planning authority to determine that question.

(2) The foregoing provisions of this Part of this Act shall, subject to any necessary modifications, apply in relation to any application under this section and to the determination thereof as they apply in relation to applications for permission to develop land and to the determination of such applications:

Provided that where it is decided by the Minister under any of the said provisions that any operations or use to which an application under this section relates would constitute or involve development of the land, that decision shall not be final for the purposes of any appeal to the court under the provisions of this Part of this Act relating to the enforcement of planning control, in relation to those operations or that use.
15.—(1) The power to grant permission to develop land under this Part of this Act shall include power to grant permission for the retention on land of any buildings or works constructed or carried out thereon before the date of the application, or for the continuance of any use of land instituted before that date (whether without permission granted under this Part of this Act or in accordance with permission so granted for a limited period only); and such permission may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or from the expiration of the said period, as the case may be.

(2) Where permission is granted under this Part of this Act for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(3) Where permission to develop land is granted under this Part of this Act on the application of a person of any class prescribed in that behalf by the development order, then, except as may be otherwise provided by the permission, the grant of permission shall enure for the benefit of the land and of all persons for the time being interested therein, but without prejudice to the provisions of this Part of this Act with respect to the revocation and modification of permission granted thereunder.

(4) Where permission to develop land is granted under this Part of this Act for a limited period only, nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the resumption, at the expiration of that period, of the use of the land for the purpose for which it was normally used before the permission was granted.

16.—(1) Where permission to develop any land is refused, whether by the local planning authority or by the Minister, on an application in behalf made under this Part of this Act, or is granted by that authority or by the Minister subject to conditions, then if any owner of the land claims—

(a) that the land has become incapable of reasonably beneficial use in its existing state of development, whether by reason of the deterioration or obsolescence of buildings or the occurrence of war damage or otherwise;

(b) in a case where permission to develop the land was granted as aforesaid subject to conditions, that the
land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions; and

(c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which permission has been or is deemed to be granted under this Part of this Act, or for which the local planning authority or the Minister have undertaken to grant such permission,

he may, within the time and in the manner prescribed by regulations made under this Act, serve on the council of the county borough or county district in which the land is situated a notice (hereinafter referred to as a "purchase notice") requiring that council to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on any council under this section, that council shall forthwith transmit a copy of the notice to the Minister, and subject to the following provisions of this section the Minister shall, if he is satisfied that the conditions specified in paragraphs (a) to (c) of the foregoing subsection are fulfilled, confirm the notice, and thereupon the council shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part III of this Act, and to have served a notice to treat in respect thereof on such date as the Minister may direct:

Provided that—

(a) if it appears to the Minister to be expedient so to do, he may, in lieu of confirming the purchase notice, grant permission for the development in respect of which the application was made or, where permission for that development was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;

(b) if it appears to the Minister, that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which permission ought to be granted, he may, in lieu of confirming the notice, or in lieu of confirming it so far as it relates to that part of the land, as
the case may be, direct that such permission shall be so granted in the event of an application being made in that behalf;

(c) if it appears to the Minister to be expedient so to do, he may, if he confirms the notice, modify it by substituting any other local authority, or the Land Commission, for the council on whom the notice is served, and in any such case the foregoing provisions of this subsection shall have effect accordingly.

(3) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

(4) Before confirming a purchase notice, or taking any other action in lieu thereof, under this section, the Minister shall give notice of his proposed action—

(a) to the person by whom the notice was served;
(b) to the council on whom the notice was served;
(c) to the local planning authority for the area in which the land is situated; and
(d) to any other local authority whom the Minister proposes, under the last foregoing subsection, to substitute for the said council;

and if within the period prescribed by the notice under this subsection (not being less than twenty-one days from the service thereof) any person or authority on whom that notice is served so requires, the Minister shall, before confirming the purchase notice or taking any such other action as aforesaid, afford to those persons and authorities an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(1) Where, on application made under this Part of this Act for permission to carry out development of any class specified in the Third Schedule to this Act (other than development of the class specified in paragraph 1 of that Schedule), permission for that development is refused by the Minister, either on appeal or on the reference of the application to him for determination, or is so granted by the Minister subject to conditions, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that the interest of any person in the land is depreciated by virtue of the refusal or conditions, the local planning authority shall pay to that
person compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) in respect of that depreciation.

(2) In determining for the purposes of the foregoing subsection whether and to what extent any interest in land has been depreciated in consequence of a refusal of permission to develop the land or in consequence of the imposition of conditions on the grant of such permission, it shall be assumed that any subsequent application for the like permission would be determined in the same way:

Provided that if, on the refusal of permission for the development in respect of which the application is made, the Minister undertakes to grant permission for any other development of the land in the event of an application being made in that behalf, regard shall be had to that undertaking in determining the matters aforesaid.

(3) Where a purchase notice served under the last foregoing section in respect of any interest in land does not take effect by reason of any such direction as is mentioned in paragraph (b) of the proviso to subsection (2) of that section, then if it is shown, on a claim made to the local planning authority, that the value of that interest, calculated with regard to the direction, but on the assumption that no permission would be granted under this Part of this Act otherwise than in accordance with the direction, is less than the value of that interest calculated without regard to the grant of that permission, but on the assumptions which would be required to be made under the following provisions of this Act for the purposes of assessing the compensation payable on a purchase of that interest in pursuance of the purchase notice, the local planning authority shall pay to that person compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) equal to the difference.

(4) Where any such permission as is mentioned in subsection (1) of this section is granted by the Minister subject to conditions, or where any permission required to be granted by any such direction as is mentioned in subsection (3) of this section would be so granted subject to conditions, being in either case conditions for regulating the design or external appearance of buildings, or the size or height of buildings, or, in the case of permission to be granted in accordance with any such direction as aforesaid, for regulating the number of buildings to be erected on the land, then if it appears to the Minister that it is reasonable so to do he may direct that those conditions shall be disregarded, either altogether, or to such
extent as may be specified in the direction, in assessing the compensation (if any) payable under the said subsection (1) or under the said subsection (3), as the case may be.

(5) Except as provided by subsection (3) of this section, no compensation shall be payable under this section in respect of any interest in land in respect of which a purchase notice is served under section sixteen of this Act.

18.—(1) Subject to the provisions of this section, if it appears to the local planning authority that it is expedient, having regard to the development plan and to any other material considerations, that any permission to develop land granted on an application made in that behalf under this Part of this Act should be revoked or modified, they may by order revoke or modify the permission to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within such period as may be prescribed in that behalf in the notice (not being less than twenty-one days from the service thereof) any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him, and to the local planning authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The power conferred by this section to revoke or modify permission to develop land may be exercised—

(a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;

(b) where the permission relates to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.
19.—(1) Where permission to develop land is revoked or modified by an order made under the last foregoing section, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that any person interested in the land—

(a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification; or

(b) has entered into a contract for any work which is abandoned in consequence thereof,

that authority shall pay to that person compensation equal to the expenditure so incurred or, as the case may be, to any sum reasonably paid by him in discharge of any liability arising under the contract in respect of the abandonment of the work.

(2) For the purposes of this section any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this section in respect of any work carried out before the grant of the permission which is revoked or modified, or in respect of any liability arising under a contract made before the grant of that permission.

(3) Where permission for the development of land granted by a development order has been withdrawn, whether by the revocation or amendment of the order or by the issue of directions under powers in that behalf conferred by the order, then, if, on an application made in that behalf under this Part of this Act, permission for that development is refused or is granted subject to conditions other than those previously imposed by the development order, the foregoing provisions of this section shall apply as if the permission granted by the development order had been granted by the local planning authority under this Part of this Act and had been revoked or modified by an order under the last foregoing section.

(4) The provisions of section sixteen of this Act shall apply in relation to an order made under the last foregoing section revoking permission to develop land or modifying any such permission by the imposition of conditions, as they apply in relation to the refusal of an application for such permission or the grant of such an application subject to conditions, and in any case the said section sixteen shall have effect subject to the following modifications:—

(a) in paragraph (b) of subsection (1), for the words "in a case where permission for development was
granted as aforesaid subject to conditions” there shall be substituted the words “in a case where the permission was modified by the imposition of conditions”; and

5 (b) for paragraph (a) of the proviso to subsection (2) there shall be substituted the following paragraph:

“(a) if it appears to the Minister to be expedient so to do he may, in lieu of confirming the purchase notice, cancel the order revoking the permission or, where the order modified the permission by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted”;

and where the permission which is revoked or modified by an order under the last foregoing section is permission granted for development of any such class as is mentioned in subsection (1) of section seventeen of this Act, the provisions of that section shall apply in relation to the revocation or modification of the permission as they apply in relation to the refusal of permission or the grant thereof subject to conditions, and the reference in subsection (4) of that section to the grant of permission subject to conditions shall be construed as including a reference to the modification of permission by the imposition of conditions.

(5) Where, by virtue of the foregoing provisions of this section, compensation is payable in respect of expenditure incurred in carrying out any work on land, then if a purchase notice is served under section sixteen of this Act in respect of any interest in that land, or a claim for compensation is made in respect of any such interest under subsection (1) of section seventeen of this Act, any compensation payable in respect of that interest under the said section sixteen or under the said section seventeen, shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this section.

20.—(1) If it appears to the local planning authority that any development of land has been carried out after the appointed day without the grant of permission in that behalf under this Part of this Act, or that any conditions subject to which such permission was granted in respect of any develop-
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If the provisions of the development plan and any other material considerations, serve on the owner and occupier of the land a notice under this section.

(2) Any notice served under this section (hereinafter called an "enforcement notice") shall specify the development which is alleged to have been carried out without the grant of such permission as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require such steps to be taken as may be specified in the notice for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(3) Subject to the provisions of the next following subsection, an enforcement notice shall take effect at the expiration of such period (not being less than twenty-one days after the service thereof) as may be specified therein:

Provided that if within the period aforesaid an application is made to the local planning authority under this Part of this Act for permission for the retention on the land of any buildings or works, or for the continuance of any use of the land, to which the enforcement notice relates, the notice shall be of no effect pending the final determination of that application, and if such permission as aforesaid is granted on that application, the notice shall not take effect.

(4) If any person on whom an enforcement notice is served under this section is aggrieved by the notice, he may, at any time within the period mentioned in the last foregoing subsection, by notice served on the clerk of the court and on the local planning authority, appeal against the notice to a court of summary jurisdiction for the petty sessional division or place within which the land to which the notice relates is situated; and on any such appeal the court—

(a) if satisfied that permission was granted under this Part of this Act for the development to which the notice relates, or that no such permission was required in respect thereof, or, as the case may be, that the conditions subject to which such permission was granted have been complied with, shall quash the notice to which the appeal relates;
(b) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for restoring land to its condition before the development took place, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;

(c) in any other case shall dismiss the appeal:

Provided that where any such appeal is dismissed, then, without prejudice to the provisions of the proviso to subsection (3) of this section, the court may, if they think fit, direct that the enforcement notice shall not come into force until such date (not being later than twenty-one days from the determination of the appeal) as the court think fit.

(5) Any person aggrieved by a decision of a court of summary jurisdiction under the last foregoing subsection may appeal against that decision to a court of quarter sessions.

21.—(1) If within the period prescribed in that behalf by an enforcement notice under the last foregoing section, any steps required by the notice to be taken (other than the discontinuance of any use of land) have not been taken, the local planning authority may enter on the land and take those steps, and may recover summarily as a civil debt from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf; and if that person, having been entitled to appeal to the court under the last foregoing section, failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken by the local planning authority.

(2) Where, by virtue of an enforcement notice under the last foregoing section, any use of land is required to be discontinued, or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of any operations thereon, then if any person, without the grant of permission in that behalf under this Part of this Act, uses the land or causes or permits the land to be used, or carries out or causes or permits to be carried out those operations, in contravention of the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if the use is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(3) Nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the use of any land for the purpose for which it could lawfully have been used under this Part of this Act if the development in
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respect of which an enforcement notice is served under the last foregoing section had not been carried out.

Additional powers of control.

22.—(1) Without prejudice to the provisions of this Part of this Act with respect to the service of enforcement notices, if it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), regard being had to the development plan and to any other material considerations—

(a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance thereof; or

(b) that any buildings or works should be altered or removed,

they may, by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance thereof, or require such steps as may be so specified to be taken for the alteration or removal of the buildings or works, as the case may be:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within the period specified in that behalf in the notice (not being less than twenty-one days from the service thereof) any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to that person, and to the local planning authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) Where an order under this section has been confirmed by the Minister, a copy of the order shall be served by the local planning authority on the owner and occupier of the land to which the order relates.

(4) Where, by virtue of an order made under this section, the use of any land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, then if any person, without the grant of permission in that behalf under this Part of this Act, uses the land for that purpose or, as the case may be, uses the land for that purpose in contravention of those conditions, or causes or permits land to be so used, he shall be guilty of an offence and
liable on summary conviction to a fine not exceeding fifty pounds: and if the use is continued after conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(5) If within the period prescribed in that behalf by an order under this section any steps required by that order to be taken for the alteration or removal of any buildings or works have not been taken, the local planning authority may, and shall if so required by directions of the Minister, enter on the land and take those steps.

(6) An order under this section may grant permission for any development of the land to which the order relates subject to such conditions as may be specified in the order; and the provisions of this Part of this Act shall apply in relation to any permission so granted as they apply in relation to permission granted by the local planning authority on an application in that behalf made thereunder.

23.—(1) Where an order is made under the last foregoing section requiring any use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that the value of any interest in the land is depreciated by the order, that authority shall pay to the person entitled to that interest compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) in respect of that depreciation and in respect of any injury caused by the order to any trade, business or profession carried on by them on the land.

(2) Without prejudice to the foregoing provisions of this section, any person who carries out any works in compliance with an order under the last foregoing section shall be entitled, on a claim made as aforesaid, to recover from the local planning authority compensation (to be assessed in accordance with the provisions of the said Fourth Schedule) in respect of any expenses reasonably incurred by him in that behalf.

(3) If any person entitled to an interest in land in respect of which an order is made under the last foregoing section claims that by reason of the order the land is incapable of reasonably beneficial use in its then state of development, and that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which permission has been granted under this Part of this Act, whether by that order or otherwise, he may serve a purchase
notice in respect of his interest in accordance with the pro-
visions of subsection (1) of section sixteen of this Act; and
in relation to a purchase notice so served the provisions of
the said section sixteen shall apply as they apply in relation
to a notice served under subsection (1) of that section, subject
to the following modifications:

(a) in subsection (2), for the words "the conditions
specified in paragraphs (a) to (c) of the foregoing
subsection" there shall be substituted the words
"the conditions specified in subsection (3) of section
twenty-three of this Act";

(b) for paragraph (a) of the proviso, to the said sub-
section (2) there shall be substituted the following
paragraph:

"(a) if it appears to the Minister to be ex-
pedient so to do he may, in lieu of confirming the
purchase notice, revoke the order under section
twenty-two of this Act or, as the case may be,
amend that order so far as appears to him to be
required in order to prevent the land from being
rendered incapable of reasonably beneficial use by
the order."

(4) Where a purchase notice in respect of any interest in
land is served under the said section sixteen in consequence
of an order made in relation to the land under the last fore-
going section, then if that interest is purchased in accordance
with the said section sixteen, or if compensation is payable
in respect thereof under subsection (3) of section seventeen of
this Act, no compensation shall be payable under this section
in respect of that order.

(5) Except as provided by this section, no purchase notice
shall be served under the said section sixteen in respect of
an interest in land while the land is incapable of reasonably
beneficial use by reason only of an order made under the
last foregoing section.

24.—(1) If it appears to a local planning authority that
it is expedient in the interests of amenity to make provision
for the preservation of trees or woodlands in their area, they
may for that purpose make an order (in this Act referred to
as a "tree preservation order") with respect to such trees,
groups of trees or woodlands as may be specified in
the order; and, in particular, provision may be made by
any such order—

(a) for prohibiting (subject to any exemptions for which
provision may be made by the order) the cutting
down, topping, lopping or wilful destruction of trees
except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;

(b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;

(c) for applying, in relation to any consent under the order, and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order;

(d) for the payment by the local planning authority, in such cases and subject to such conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

(2) A tree preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.

(3) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders, and such regulations shall, in particular, make provision for securing—

(a) that notice shall be given to the owners and occupiers of land affected by any such order of the submission to the Minister of the order;

(b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and

(c) that copies of the order when confirmed by the Minister shall be served on the owners and occupiers of the land to which it relates:

Provided that where it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so confirmed
shall cease to have effect upon the expiration of two months from the date on which it is so confirmed unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(4) If any person contravenes the provisions of a tree preservation order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if the contravention is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

25.—(1) If it appears to a local planning authority that it is expedient to make provision for the preservation of any building of special architectural or historic interest in their area, they may for that purpose make an order (in this Act referred to as a building preservation order) restricting the demolition, alteration or extension of the building:

Provided that no such order shall be made in relation to a building being—

(a) an ecclesiastical building which is for the time being used for ecclesiastical purposes;

(b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments; or

(c) a building for the time being included in a list of monuments published by the Minister of Works under any such enactment as aforesaid;

and no such order shall be made so as to affect the powers of the Minister of Works under any such enactment as aforesaid.

(2) Provision may be made by a building preservation order—

(a) for requiring the consent of the local planning authority to be obtained for the execution of works of any description specified in the order, and for applying, in relation to such consent and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land, and to applications for such permission subject to such adaptations and modifications as may be specified in the order;

(b) for the payment by that authority in such cases and subject to such conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence
(3) A building preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.

(4) Provision may be made by regulations under this Act with respect to the form of building preservation orders and the procedure to be followed in connection with the submission and confirmation of such orders, and such regulations shall, in particular, make provision for securing—

(a) that notice shall be given to the owner and any occupier of the building affected by any such order of the submission to the Minister of the order;

(b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and

(c) that a copy of the order when confirmed by the Minister shall be served on the owner and any occupier of the building to which it relates:

Provided that where it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so confirmed shall cease to have effect upon the expiration of two months from the date on which it is so confirmed unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(5) If any person, being the owner of a building in relation to which a building preservation order is in force or a person upon whom notice of such an order has been served by the authority by whom the order was made, executes or causes or permits to be executed any works in contravention of the order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds; and the court by whom he is convicted may in addition order him to pay such sums as the court think just for the purpose of restoring the building, so far as may be, to its former state.

(6) Works specified by the Minister as being required for properly maintaining a building in relation to which a building preservation order is in force and which is settled land within the meaning of the Settled Land Act, 1925, shall be added
to the classes of works specified in Part II of the Third Schedule to that Act (which specifies improvements in or towards payment of which capital money may be applied, without any scheme being first submitted to the trustees of the settlement or the court, subject to provisions under which repayment of capital money applied may be required to be made out of income).

26.—(1) With a view to the guidance of local planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, the Minister may compile lists of such buildings, or approve, either with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.

(2) As soon as may be after any list has been compiled or approved under this section, or any amendments of such a list have been made, a copy of so much of the list as relates to the area of any local planning authority, or of so much of the amendments as relate thereto, as the case may be, certified by or on behalf of the Minister to be a true copy thereof, shall be deposited with the clerk of the local planning authority, and also, where that authority is not the council of a county borough, with the clerk of the council of each county district comprised in the area of that authority.

(3) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation or approval of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the Minister shall serve a notice on every owner and occupier of the building stating that the building has been included in, or excluded from, the list, as the case may be.

(4) Before compiling or approving, either with or without modifications, any list under this section, or amending any list thereunder, the Minister shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of or interest in buildings of architectural and historic interest.

(5) So long as any building (not being a building to which an order under the last foregoing section applies or a building of any description specified in the proviso to subsection (r) of that section) is included in any list compiled or approved under this section, no person shall execute, or cause or permit to be executed, any works for the demolition of the building or for its alteration or extension in any manner which would seriously affect its character, unless at least two months before the works are executed notice in writing of the proposed works has been given to the local planning authority:
Provided that nothing in this subsection shall render unlawful the execution of any such works as aforesaid which are urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as notice is given as aforesaid as soon as may be after the necessity for the works arises.

(6) Where a local planning authority receive notice of any proposed works under the last foregoing subsection, they shall as soon as may be send a copy of the notice to the Minister and, except where the authority is the council of a county borough, to the council of the county district in which the building to which the notice relates is situated, and in either case to such other persons or bodies of persons as may be specified by directions of the Minister either generally or as respects the building in question.

(7) If any person contravenes the provisions of subsection (5) of this section, he shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds; and the court by whom he is convicted may, in addition, order him to pay such sums as the court think just for the purpose of restoring the building, so far as may be, to its former state.

27.—(1) Subject to the provisions of this section, provision may be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Minister to be expedient in the interests of amenity or public safety, and without prejudice to the generality of the foregoing provision, any such regulations may provide—

(a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which such advertisements may be displayed, and the manner in which they are to be affixed to land;

(b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;

(c) for applying, in relation to any such consent and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land and to applications for such permission, subject to such adaptations and modifications as may be specified in the regulations;

(d) for enabling the local planning authority, at any time after such period as may be prescribed by the regulations, and in such cases as may be so prescribed, to require the removal of any advertisement which is being displayed on the date on which the regulations
come into force, or the discontinuance of the use for the display of advertisements of any site which was being used for that purpose on that date;

(e) for the enforcement of the regulations either by means of fines imposed on summary conviction or by the application thereto of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations, or by both of those means;

(f) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

(2) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision with respect to areas defined for the purposes of the regulations as areas of special control (being either rural areas or areas other than rural areas which appear to the Minister to require special protection on grounds of amenity); and such areas may be so defined either by reference to provisions included in that behalf in development plans or by means of orders made or approved by the Minister in accordance with the provisions of the regulations:

Provided that where the Minister is authorised by the regulations to make or approve any such order as aforesaid, the regulations shall provide for the publication of notice of the proposed order in such manner as may be prescribed by the regulations, for the consideration of objections duly made thereto, and for the holding of such inquiries or other hearings as may be so prescribed, before the order is made.

(3) Without prejudice to the generality of the last foregoing subsection, regulations made for the purposes of this section may—

(a) prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be specified in the regulations;

(b) require the removal, after such date as may be so specified, of all advertisements (except advertisements of any such class as aforesaid) which are being displayed in that area on the date on which the regulations come into force, or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose on that date.
(4) The Advertisements Regulation Acts, 1907 and 1925, and section ninety-one of the Public Health Acts Amendment Act, 1907, shall cease to have effect on the appointed day, and His Majesty may by Order in Council repeal or modify any local enactment in force on that day which contains provisions corresponding with the provisions of the said enactments or otherwise relates to matters in respect of which regulations may be made under this section:

Provided that any Order in Council made under this subsection shall be subject to special parliamentary procedure.

28.—(1) Regulations made under the last foregoing section for restricting or regulating the display of advertisements may direct that any operations or uses of land to which the regulations extend shall not be deemed to constitute or to involve development of land within the meaning of this Act, and the provisions of this Act shall have effect subject to any such direction.

(2) Where provision is made by any such regulations as aforesaid for requiring, or enabling the local planning authority to require, the removal of advertisements being displayed on the date on which the regulations come into force or the discontinuance of the use for the display of advertisements of any site used for that purpose on that date, any person who carries out any works in compliance with any such requirement shall be entitled, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, to recover from that authority compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) in respect of any expenses reasonably incurred by him in that behalf.

(3) No compensation shall be payable under section twenty-three of this Act in respect of any depreciation in the value of any interest in land occasioned by an order under section twenty-two of this Act requiring any use of land for the display of advertisements to be discontinued, or imposing conditions on the continuance thereof, or requiring the removal or abolition of any advertisements displayed on land.

29.—(1) If it appears to a local planning authority that the amenity of any part of the area of that authority, or of any adjoining area, is seriously injured by the condition of any waste or other land in their area, they may serve on the owner and occupier of the land, in the manner prescribed by regulations under this Act, a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.
In relation to any notice served under this section, the provisions of subsections (2) to (5) of section twenty of this Act, and of subsection (1) of section twenty-one of this Act shall, subject to such exceptions and modifications as may be prescribed by regulations under this Act, apply as those provisions apply in relation to an enforcement notice served under the said section twenty.

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30.—(1) In relation to any land of statutory undertakers, being operational land as defined by this section, the provisions of this Part of this Act shall have effect subject to the provisions set out in the Fifth Schedule to this Act (being provisions re-enacting with additions and modifications sections thirty-five and thirty-six of the Act of 1944).

(2) In this Act the expression “operational land”, in relation to any statutory undertakers, means land which is used for the purpose of the carrying on of the undertaking of those undertakers and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purposes of the carrying on of statutory undertakings.

(3) Any question whether land of any statutory undertakers is operational land within the meaning of this section shall be determined by the Minister and the Minister who is the appropriate Minister for the purposes of those undertakers.

(4) Provision may be made by regulations made under this Act by the Minister and the Minister of Fuel and Power, with the consent of the Treasury, for applying the provisions of this section, and of the Fifth Schedule to this Act, in relation to the National Coal Board, and in relation to land of that Board of any such class as may be prescribed by the regulations, as if the Board were statutory undertakers and as if land of any class so prescribed were operational land within the meaning of this Act.

31.—(1) In relation to land of local planning authorities, and in relation to the development by local authorities of land in respect of which they are the local planning authority, the provisions of this Part of this Act (including the provisions of the last foregoing section in a case to which those provisions apply) shall have effect subject to such exceptions and modifications as may be prescribed by regulations under this Act.
(2) Without prejudice to the generality of the foregoing subsection, regulations made for the purposes of this section may make provision for securing—

(a) that any application by such an authority for permission to develop any such land as aforesaid, or for any other consent required, in relation to any such land, under this Part of this Act, shall be made to the Minister instead of to the local planning authority; and

(b) that any proceedings for the enforcement of planning control in relation to any such development as aforesaid shall be taken by the Minister instead of by that authority.

32. For the avoidance of doubt it is hereby declared that the provisions of this Part of this Act apply to the development of any land notwithstanding that provision is made by any other Act, whether public general or local, for authorising or regulating any development of the land.

33.—(1) If it appears to the Minister to be expedient that an enforcement notice should be served under section twenty of this Act, or under that section as applied by any order or regulations under this Part of this Act, in respect of any land, he may give directions to the local planning authority requiring them to serve such a notice, or may himself serve such a notice, and any notice so served by the Minister shall have the like effect as a notice served by the local planning authority under the said section twenty.

Provided that in relation to an enforcement notice so served by the Minister, subsection (4) of the said section twenty, and subsection (1) of section twenty-one of this Act, shall have effect as if for any reference therein to the local planning authority there were substituted a reference to the Minister.

(2) If it appears to the Minister, after consultation with the local planning authority, to be expedient that any of the following orders should be made under this Part of this Act, that is to say:—

(a) an order under section eighteen of this Act revoking or modifying any permission to develop land;

(b) an order under the said section eighteen as applied by any order or regulations under this Part of this Act;

(c) an order under section twenty-two of this Act requiring any use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed;
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(d) a tree preservation order, or an order amending or revoking a tree preservation order; or

(e) a building preservation order, or an order amending or revoking a building preservation order,

he may give directions to the local planning authority requiring them to submit to him such an order for his confirmation, or may himself make such an order, and any order so made by the Minister shall have the like effect as if it had been made by the local planning authority and confirmed by the Minister under this Part of this Act.

(3) In relation to the making by the Minister of any order under the last foregoing subsection, the provisions of this Part of this Act, and of any regulations made thereunder, with respect to the procedure to be followed in connection with the submission of such an order by the local planning authority, the confirmation thereof by the Minister, and the service of copies thereof as so confirmed, shall have effect, subject to any necessary modifications, in relation to any proposal by the Minister to make the order, to the making thereof by the Minister and to the service of copies thereof as so made.

34. During any period before a development plan has been approved by the Minister under this Part of this Act with respect to any area, any functions which, under the foregoing provisions of this Act, are exercisable by the Minister or by any authority by reference to the provisions of that plan shall, in relation to land in that area, be exercisable by reference to the provisions which, in the opinion of the Minister or of that authority, as the case may be, would be required to be included in a development plan in order to secure the proper development of that area.

PART III.

ACQUISITION OF LAND.

Acquisition and disposal of land for planning purposes.

35.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition for the purposes of the functions of any Minister, local authority or statutory undertakers, that Minister or authority or those undertakers may be authorised to acquire that land compulsorily in accordance with the provisions of this section.

(2) If, during the period before a development plan has been approved or made under this Act with respect to any area—
(a) the Minister and the Minister of Works are satisfied that the acquisition of any land in that area is necessary for the public service; or

(b) the Minister and the Postmaster-General are satisfied that the acquisition of any such land is necessary for the purposes of the Post Office,

the Minister of Works or the Postmaster-General, as the case may be, may be authorised to purchase that land compulsorily in accordance with the provisions of this section.

(3) The compulsory acquisition of land under this section may be authorised—

(a) in the case of land designated by a development plan as subject to acquisition for the purposes of the functions of a Minister, by that Minister;

(b) in the case of land so designated as subject to acquisition for the purposes of the functions of a local authority, by the Minister concerned with the functions in question;

(c) in the case of land so designated as subject to acquisition for the purposes of the functions of any statutory undertakers, by the Minister who is the appropriate Minister for the purposes of those undertakers;

(d) in the case of any such land as is mentioned in subsection (2) of this section, by the Minister of Works or the Postmaster-General, as the case may be.

(4) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

(a) as if this section had been in force immediately before the commencement of that Act;

(b) as if any reference in that Act to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to statutory undertakers; and

(c) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to any Minister and to the provisions of this section.

36.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition, either as being comprised in an area which is to be developed or re-developed as a whole or otherwise for the purpose of development.
securing its use in the manner proposed by the plan, then if the Minister is satisfied that it is expedient so to do in order to give effect to the plan he may authorise the council of the county borough or county district in which the land is situated to acquire the land compulsorily in accordance with the provisions of this section.

(2) If, during the period before a development plan has been approved or made under this Act with respect to any area, the Minister is satisfied that it is expedient so to do in order to secure the use of any land therein for a purpose for which it appears to him to be immediately required to be used in the interests of the proper planning of that area, he may authorise the council of the county borough or county district in which the land is situated to acquire the land compulsorily in accordance with the provisions of this section.

(3) Where, under the foregoing provisions of this section, the Minister has power to authorise the council of a county borough or county district to acquire any land compulsorily, he may, if he thinks fit, authorise the land to be so acquired by any other local authority instead of by that council.

(4) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

37.—(1) If the Minister is satisfied, in the case of a compulsory purchase order submitted to him under the last foregoing section by a local authority, that it is expedient to empower that authority to enter on the whole or any part of the land to which the order relates and secure its vesting in them before the expiration of the time which would be required for the service of notices to treat, he may include in the order as confirmed by him a direction that the provisions of the Sixth Schedule to the Act of 1944 shall apply to the order so far as it relates to that land:

Provided that no such direction shall be so included in a compulsory purchase order unless application in that behalf is included in the order as submitted to the Minister.

(2) A compulsory purchase order which contains any such direction as aforesaid shall be registered, in such manner as...
may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of each county borough or county district in which the land to which the direction relates or any part thereof is situated; and it shall be the duty of the local authority, as soon as may be after the order has become operative, to notify that fact to the proper officer of the authority by whom it is required to be registered as aforesaid, and to furnish him with all information relating to the order which is required for the purpose.

(3) Where a compulsory purchase order containing any such direction as aforesaid is made in respect of any interest in land which has sustained war damage, then if any of that damage has not been made good at the date on which notice to treat is deemed to have been served, the local authority shall, when they notify the fact that the order has become operative to the proper officer under the last foregoing subsection, notify the War Damage Commission of that action having been taken.

(4) Any reference in the Sixth Schedule to the Act of 1944 to a purchase order providing for expedited completion, or to the purchasing authority, shall be construed as a reference to a compulsory purchase order containing any such direction as aforesaid, and to the local authority authorised to acquire land by that order, as the case may be.

38. The council of any county, county borough or county district may, with the consent of the Minister, acquire by agreement any land which they require in order to secure its use for a purpose specified in the development plan or, during the period before a development plan relating to the area comprising the land has been approved or made under Part II of this Act, for the purpose of securing the proper planning of that area.

39.—(1) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local authority to acquire land by agreement thereunder shall include power to acquire by agreement any building as respects which a building preservation order could be made by the local planning authority under Part II of this Act, and any land comprising or contiguous or adjacent to it which appears to the Minister to be required for maintaining the building or its amenities, or for affording access thereto, or for the proper control or management thereof.

(2) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local authority to acquire land compulsorily thereunder shall, if a building preservation order is in force...
as respects any building and it appears to the Minister that reasonable steps required for properly maintaining the building will not be taken unless the building is compulsorily acquired, include power to acquire compulsorily the building and any such land as is mentioned in the last foregoing subsection, whether or not it is designated in the plan as subject to compulsory acquisition.

40.—(1) Any local authority having power to acquire land compulsorily under this Part of this Act may be authorised, by an order made by that authority and confirmed by the Minister, to appropriate for any purpose specified in a development plan any land for the time being held by them for other purposes, being land which is or forms part of a common, open space or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land being Green Belt land as defined in the Green Belt (London and Home Counties) Act, 1938.

(2) Paragraph 11 of Part III of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which makes special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.

(3) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local authority to acquire land (whether compulsorily or by agreement) thereunder shall include power to acquire land required for giving in exchange for land appropriated under this section, or for Green Belt land appropriated in accordance with the Green Belt (London and Home Counties) Act, 1938, for any purpose specified in a development plan.

(4) Where any land appropriated under this section was acquired under any enactment incorporating the Lands Clauses Acts, any work executed on the land after the appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment under which the land was acquired.

(5) On the appropriation of land under this section there shall be made in the accounts of the local authority such adjustments as the Minister of Health may direct.

41.—(1) The Land Commission may, with the approval of the Minister, by agreement acquire land for any purpose connected with the performance of their functions under the following provisions of this Act, and in particular may so
acquire any land for the purpose of disposing of it for development at a price which includes the amount of the development charge payable under those provisions in respect of that development.

(2) Where, under section thirty-six of this Act, the Minister has power to authorise the compulsory acquisition of any land by a local authority, then if the land is land which the Land Commission have power to acquire by agreement under the foregoing subsection, he may authorise the Commission to acquire the land compulsorily in accordance with the provisions of the said section thirty-six.

(3) Subsection (4) of the said section thirty-six and section thirty-seven of this Act shall apply to the compulsory acquisition of land by the Land Commission under this section as they apply to the compulsory acquisition of land by local authorities under the said section thirty-six; and for the purposes of this section the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect as if any reference therein to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to the Commission.

(4) Any land acquired by the Land Commission under the provisions of this section shall be disposed of by them in accordance with such directions as may be given to them in that behalf by the Minister, and until the land is so disposed of the Commission may manage it in accordance with such directions:

Provided that nothing in this section shall be construed as authorising the Commission to carry out any development of land acquired by them thereunder.

(5) Any expenses incurred by the Land Commission in the acquisition of land under this section shall be paid out of moneys provided by Parliament; and any sums received by the Commission in respect of the disposal of any such land shall be paid into the Exchequer.

42.—(1) Sections nineteen to thirty of the Act of 1944 (which provide for the disposal and appropriation by local planning authorities of land acquired or appropriated under Part I of that Act, for the carrying out by such authorities of development of such land, and for other matters arising in relation to the acquisition of land under that Part) shall, except so far as repealed by this Act, be incorporated with this Part of this Act, subject to the amendments specified in the second column of the Sixth Schedule to this Act and to the following provisions of this section.

(2) Subsection (3) of section twenty of the Act of 1944 (which provides that in certain cases the Minister shall not
give his consent to the carrying out of any operation by the local planning authority under that section if a person other than that authority is able and willing to carry out the operation) shall cease to have effect.

(3) So much of subsection (2) of section twenty-four of the Act of 1944 as provides for the application of section fifty-seven of that Act in relation to compensation for loss sustained by the extinction of any right or the vesting of any apparatus under the said section twenty-four shall not apply and shall be deemed never to have applied to compensation for loss so sustained otherwise than by the diminution in value of an interest in land.

(4) Subsection (1) of section twenty-six of the Act of 1944 (which provides for the extension or modification of the functions of statutory undertakers in order to secure the provision of services for purposes in connection with which local planning authority are authorised by that Act to acquire land), and subsection (2) of that section (which provides, amongst other things, for giving effect to financial arrangements in that connection between local planning authorities and statutory undertakers) shall apply with respect to the provision of services for purposes in connection with which any local authority or Minister may be authorised to acquire land under this Part of this Act, and in relation to financial arrangements between any such authority or Minister and any statutory undertakers.

(5) If it appears to the Minister to be expedient that any land acquired by a local authority under this Part of this Act should be held by a joint body consisting of representatives of that authority and of any other local authority within whose area the land is situated, he may by order provide for the constitution of such a joint body and for the transfer to that body of the land so acquired; and any such order may make such provision as the Minister considers expedient with respect to the constitution and functions of the joint body (including provision for incorporating them) and with respect to the manner in which their expenses are to be defrayed.

43.—(1) Section ten of the Development and Road Improvement Funds Act, 1909 (which enables the Minister of Transport to authorise the construction of new roads in respect of which advances are made under that Act and provides for the expenses of the construction, and for the maintenance, of such roads) shall apply in relation to the construction of a new road by a local highway authority on land acquired by them under this Part of this Act as if the road were a road in respect of the construction of which an advance were made to that authority under that section.
(2) The Minister of Transport may direct that any road constructed by him on land acquired by him under this Part of this Act shall, on such date as may be specified in the direction, become a trunk road within the meaning of the Trunk Roads Acts, 1936 and 1946, and the provisions of those Acts shall apply to the road accordingly.

(3) Subsection (5) of section nineteen of the Restriction of Ribbon Development Act, 1935, and subsection (8) of section six of the Trunk Roads Act, 1936 (which provide for contributions by local authorities towards expenses incurred by local highway authorities and by the Minister of Transport under those Acts) shall have effect in relation to expenses incurred by local highway authorities and by the Minister of Transport under this Part of this Act as if they were incurred under those Acts respectively.

44. Nothing in the foregoing provisions of this Part of this Act shall be construed as authorising—

(a) the compulsory acquisition by a local authority or Minister thereunder of any land which, apart from those provisions, they have power to acquire compulsorily in accordance with the provisions of section one of the Acquisition of Land (Authorisation Procedure) Act, 1946, or under any such enactment as is mentioned in subsection (4) of that section;

(b) the appropriation by a local authority of land which they have power to appropriate under section one hundred and sixty-three of the Local Government Act, 1933.

45.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition for any purpose, then if a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part I of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, or, as the case may be, is made in draft by a Minister in accordance with Part II of that Schedule, the confirming authority or that Minister, as the case may be, may disregard for the purposes of that Schedule any objection to the order or draft which, in the opinion of that authority or Minister, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(2) Paragraph 9 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which makes special provision in relation to the compulsory acquisition of land of local authorities and statutory undertakers and inalienable land of the National Trust) shall not apply to land...
which is designated by a development plan under this Act as subject to compulsory acquisition.

(3) Notwithstanding anything in paragraph 10 of the said First Schedule, a compulsory purchase order may be confirmed or made under this Act authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking (whether or not the land is designated as mentioned in the last foregoing subsection) without any such certificate as is mentioned in the said paragraph 10:

Provided that unless such a certificate is given as aforesaid, then—

(a) except where the land is designated as mentioned in the last foregoing subsection, the order shall be of no effect unless it is confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would, apart from this provision, have power to make or confirm it; and

(b) whether the land is so designated or not, any compensation payable to the undertakers in respect of the purchase shall be assessed in accordance with the provisions of the Fourth Schedule to the Act of 1944.

Amendments of Law relating to Compensation on Compulsory Acquisition of land.

46.—(1) Where land is compulsorily acquired, under this or any other Act, under a notice to treat served on or after the appointed day, then, in assessing the value of the land for the purposes of the compensation payable in respect of the acquisition, it shall be assumed that planning permission would be granted under Part II of this Act for development of any class specified in the Third Schedule to this Act, but would not be so granted for any other development for which permission has not been so granted at the date of the notice to treat:

Provided that where permission for development of any such class as aforesaid (other than development of any class specified in paragraph i of the said Third Schedule) has, at any time before the date of the notice to treat, been refused or granted subject to conditions, it shall be assumed that any subsequent application for such permission would be dealt with in the same way.

(2) In assessing the value of any interest in land which is compulsorily acquired as aforesaid in accordance with the rule set out in subsection (1) of section fifty-seven of the Act of 1944 (which provides for the ascertainment of the value of interests in land by reference to prices current on the thirty-first day of March, nineteen hundred and thirty-nine), the provisions of this Act shall be treated as an incident of that interest, and the words in that rule "on the assumption that the interest
had at that date been subsisting as it was in fact subsisting at the time of the service of the notice to treat " shall be construed accordingly.

(3) Where the land which is compulsorily acquired as aforesaid is so acquired in pursuance of a purchase notice served under section sixteen of this Act, and it is certified by the Minister on confirming the notice that any building comprised in the land has become incapable of reasonably beneficial use, then if the purchase notice was served in consequence of the refusal of permission for development which would have involved the demolition of the whole or substantially the whole of the building, or in consequence of the revocation or modification of such permission, no account shall be taken for the purposes of this section of the value of the building except in so far as the value of any materials comprised therein would exceed the cost of the demolition.

(4) Where the land which is compulsorily acquired as aforesaid is land comprised in a hereditament which has sustained war damage, and by virtue of section sixty-one of the Act of 1944, and paragraph 1 of the Eighth Schedule to that Act, the value of the land is required to be ascertained by reference to the certified after-damage value, the adjustments falling to be made under sub-paragraph (3) of paragraph 1 of the said Eighth Schedule shall include the subtraction of such amount, if any, as would have fallen to be made if—

(a) this Act were included among the enactments referred to in paragraph 1 (1) (c) (iii) of the Second Schedule to the War Damage Act, 1943 (which specifies the restrictions which are to be taken into account in the valuing of hereditaments for the purposes of that Act); and

(b) the like assumptions as are required to be made under subsection (1) of this section were made as to the grant of planning permission in respect of the land under Part II of this Act.

(5) Compensation in connection with the compulsory purchase of land under a notice to treat served before the appointed day shall be assessed as if the provisions of this Act (other than the two next following sections) had not passed.

47. Subsection (2) of section fifty-seven of the Act of 1944, and paragraph 4 of the Seventh Schedule to that Act, shall have effect, and shall be deemed always to have had effect as if references therein to agricultural holdings and to holdings as defined for the purposes of the Agricultural Holdings Act, 1923, included references to any land which, if it were held by a tenant, would be a holding as so defined.

48.—(r) The provisions of this section shall have effect and shall be deemed always to have had effect where under section sixty-one of, and paragraph 1 of the Eighth Schedule...
to, the Act of 1944, the value of any land in a hereditament which has sustained war damage is for the purpose of a compulsory acquisition to be ascertained by reference to the certified after-damage value.

(2) Where the hereditament consists of premises in respect of which a justices' licence within the meaning of the Licensing (Consolidation) Act, 1910, was in force or in suspense at the time when the war damage occurred, and between that time and the time when the notice to treat is served there has been any change in the circumstances of the licence, whether by extinction, removal or suspension by virtue of section ten of the Finance Act, 1942 or section ten of the Finance Act, 1946, sub-paragraph (3) of the said paragraph 1 shall have effect as if the change constituted a material difference in the state of the premises and the change shall be taken into account under the said sub-paragraph in determining the value of the premises under the War Damage Act, 1943, by reference to the state of the premises at the time when the notice to treat is served.

(3) It is hereby declared that neither the right to land tax in respect of any land nor the right to a redemption annuity under the Tithe Act, 1936, in respect of any land are to be taken into account as interests in land under paragraph 2 of the Eighth Schedule to the Act of 1944, but such adjustments of the certified after-damage value of the hereditament shall be made for the purposes of that Schedule as are necessary to produce for those purposes the result which would have been produced therefor if liability to land tax or to any such annuity had been included among the burdens referred to in paragraph 1 (1) (c) of the Second Schedule to the War Damage Act, 1943.

PART IV.

Compensation.

Measure of compensation.

Compensation in respect of land purchased for value since 1918.

49. The Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to the compulsory acquisition of land under this or any other Act by statutory undertakers as it applies in relation to the compulsory acquisition of land by government departments, and the provisions of Part II of the Act of 1944 shall have effect accordingly.
(b) that that interest was acquired by the person who is the owner thereof on the appointed day by means of a purchase for value effected after the thirty-first day of December, nineteen hundred and eighteen, and before the [date of introduction], then, subject to the provisions of this Part of this Act, there shall be paid, by way of compensation in respect of that interest, a sum equal to the notional development value of that interest on the date of the purchase.

(2) References in this Part of this Act to the development value of an interest in land on the appointed day shall be construed as references to the difference between the restricted and the unrestricted values of that interest on that day; and for the purposes of this Part of this Act the notional development value of an interest in land on any previous date shall be taken to be the sum which, if invested at compound interest at the rate of five per cent. per annum for a period equal to the number of complete years between that date and the appointed day, would have produced at the end of that period an amount equal to the development value of that interest on the appointed day.

(3) This Part of this Act applies to any interest in land being an interest in fee simple or a leasehold interest as defined by this Act.

51.—(1) Subject to the provisions of this section, and to the following provisions of this Part of this Act—

(a) the restricted value of an interest in land on the appointed day shall be taken to be the value of that interest as it subsists on that day calculated on the assumption that planning permission would be granted under Part II of this Act for development of any class specified in the Third Schedule to this Act, but would not be so granted for any other development; and

(b) the unrestricted value of an interest in land on the appointed day shall be taken to be the value which that interest would have had as it subsists on that day if the provisions of this Act (other than those relating to the computation of the unrestricted value of interests in land) had not passed:

Provided that where the land is used on the appointed day for the display of advertisements, no account shall be taken, in calculating the restricted value of any interest therein, of any power to require the discontinuance of that use by virtue of regulations made under the provisions of Part II of this Act with respect to the control of advertisements.

(2) Subject to the foregoing provisions of this section, the restricted and the unrestricted values of interests in land shall
be calculated by reference to prices current on the [date of introduction], and for that purpose any such interest shall be treated as if it had been subsisting on that date with all incidents to which it is subject on the appointed day, and the land shall be treated as having been on that date in the same state as it is on the appointed day:

Provided that in computing the restricted value of any interest in land, no account shall be taken of the provisions of this Act except in their application to that land.

(3) In computing the unrestricted value of an interest in land which, on the appointed day, was held with other land—

(a) there shall be deducted an amount equal to the compensation (if any) which would be payable for the severance of the land to which the claim relates from that other land if the first-mentioned land were compulsorily acquired by a government department in pursuance of a notice to treat given on the appointed day; and

(b) there shall be set off, against so much of the value of the land to which the claim relates as depends upon the prospect of any particular development, an amount equal to the compensation (if any) which would be payable for any other injurious affection of that other land if the first mentioned land were compulsorily acquired as aforesaid for the purpose of that development.

(4) In so far as the unrestricted value of any interest in land depends upon the prospect of any particular development of the land, then if that development, if carried out by the owner of the interest in question, would necessarily involve a loss to him in the nature of disturbance in respect of the purposes for which the land is being used on the appointed day, the amount of that loss shall be set off against that part of the unrestricted value of that interest.

(5) Rules (2), (3) and (4) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in computing the restricted and the unrestricted values of interest in land for the purposes of this section as they apply in relation to the compulsory purchase of interests in land.

(6) The restricted and the unrestricted values of an interest expectant on the determination of a lease shall be computed on the assumption that the lessee will at all times be able to pay the rent and perform his other obligations under the lease, and on the assumption that any option exercisable by either party to determine or to renew the lease will be exercised by that party if it is in his interest so to do and not otherwise.
(7) The restricted and the unrestricted values of an interest in land which is subject to a mortgage shall be computed as if that mortgage had been discharged.

(8) It is hereby declared that the restricted or the unrestricted value, or both the restricted and the unrestricted values, of an interest in land may be a minus quantity.

52.—(1) Any reference in this Part of this Act to the purchase of an interest in land shall be construed as including a reference to the purchase of any property in which that interest was comprised at the time of the purchase.

(2) For the purposes of this Part of this Act the grant of a lease shall be treated as a purchase by the lessee of the term created by the lease.

(3) For the purposes of this Part of this Act a purchase of an interest in land shall be deemed to have been effected on the date of the completion of the purchase or, where the purchase consists of the grant of a lease, the date of the execution thereof:

Provided that—

(a) where an agreement for a lease was not followed by the execution of a lease, the purchase shall be deemed to have been effected on the date on which the agreement was made; and

(b) where a binding agreement for the purchase of an interest in land (not being an agreement for a lease to which the foregoing paragraph applies) has been made before the date of introduction, or a notice to treat in respect of an interest in land has been served before that date, then if the purchase is carried into effect on or after that date the provisions of this Part of this Act shall have effect in relation to that interest as if the purchase had been effected immediately before the said date.

(4) If, in the case of a purchase of any interest in land, any of the following conditions are satisfied, that is to say—

(a) the purchaser was a body of persons under the control of the vendor; or

(b) the vendor was a body of persons under the control of the purchaser; or

(c) both the purchaser and the vendor were bodies of persons over whom some other person (including a body of persons) had control,
the Land Commission may, if it appears to them that the
transaction was not effected in the normal course of business,
direct that the purchase shall be left out of account for the
purposes of this Part of this Act.

(5) For the purposes of the last foregoing subsection the
expression "body of persons" includes a partnership, and
a person shall be deemed to have control over a body of
persons—

(a) where that body is a body corporate, if he has power
to secure, by means of the holding of shares or the
possession of voting power in or in relation to that
or any other body corporate, or by virtue of any
powers conferred by the articles of association or
other document regulating that or any other body
corporate, that the affairs of the first mentioned body
corporate are conducted in accordance with his
wishes; and

(b) where that body is a partnership, if he has the right
to a share of more than one half of the assets, or
of more than one half of the income, of the partner-
ship.

(6) For the purposes of this Part of this Act, the vesting of
an interest in land in any person as trustee in bankruptcy
for any other person, or as trustee under a deed of arrange-
ment for the benefit of creditors of any other person, or in any
such other capacity as may be prescribed by regulations under
this Act, shall not be deemed to constitute a purchase of that
interest for value, but where the person who is the owner of
any interest in land on the appointed day holds that interest
in any such capacity as aforesaid, the like compensation, if
any, shall be payable in respect of that interest under the
foregoing provisions of this Part of this Act as if the land had
not been vested in him as aforesaid.

[Compensation
in respect of
land on which
death duties
have been paid
since 1918.]

\[53.-(1)\] If it is shown, on a claim made to the Land Com-
mission in accordance with the provisions of this Part of this
Act—

(a) that the restricted value of any interest in land to
which this Part of this Act applies, not being an
interest in respect of which compensation is payable
under the foregoing provisions of this Part of this Act,

(b) that the person who is the owner of that interest on
the appointed day has borne estate duty in respect of
the passing of that interest, or has borne succession
duty or legacy duty in respect of the principal value

\[55.-(1)\] If it is shown, on a claim made to the Land Com-
mission in accordance with the provisions of this Part of this
Act—

(a) that the restricted value of any interest in land to
which this Part of this Act applies, not being an
interest in respect of which compensation is payable
under the foregoing provisions of this Part of this Act,

(b) that the person who is the owner of that interest on
the appointed day has borne estate duty in respect of
the passing of that interest, or has borne succession
duty or legacy duty in respect of the principal value
of that interest, on a death or other event occurring
during the period between the thirty-first day of
December, nineteen hundred and eighteen, and the
[date of introduction],

then, subject to the provisions of this Part of this Act, there
shall be paid, by way of compensation in respect of that
interest, the sum produced by applying the effective rate at
which the duty was borne as aforesaid to the notional develop­
ment value of that interest on the date of the death or other
event giving rise to the duty.

(2) For the purposes of this section the effective rate at
which any duty was borne by any person in respect of an
interest in land shall be calculated as follows:—

(a) there shall be ascertained the principal value of the
interest as valued for the purposes of the duty, or,
where that interest was not valued separately for
those purposes, the principal value of the smallest
unit of property comprising that interest which was
valued separately for those purposes;
(b) there shall be ascertained the amount of the duty
(exclusive of interest or discount) which, on a strict
administration of the law relating to the duty and
of any relevant trusts, fell to be borne by that person
in respect of the interest in question or, as the case
may be, in respect of the unit of property in which
that interest was comprised;
(c) the sum ascertained under paragraph (b) of this
subsection shall be expressed as a rate per cent. of
the sum ascertained under paragraph (a) of this sub­
section, and that rate shall be deemed to be the
effective rate at which the duty was borne as
aforesaid.

(3) Regulations made under this Act with the consent of the
Treasury may make such provision supplementary to or conse­
quential on the provisions of this section as appears to the
Minister and the Treasury to be expedient, including
provision—

(a) for the payment of compensation under this section
in respect of duties payable, on the occasion of any
such death or event as is mentioned in subsection (1)
of this section, in respect of any previous death or
event, including duties payable, under the enactments
for the time being in force, in respect of a death or
event occurring before the period mentioned in that
subsection;
(b) for determining the method of ascertainment of any
matters required under the last foregoing subsection
to be ascertained.

G 2
(4) For the purposes of this section any duty payable on a death or other event in respect of an interest in land shall be deemed to have been borne by the persons on whom the incidence of the duty fell by virtue of their beneficial interest in the land or the proceeds of sale thereof, or in any other property; and where the person who on the appointed day is the owner of any interest in land is a person holding in a fiduciary capacity, any reference in this section to duties borne by that person shall be construed as a reference to duties borne by any person who is beneficially interested therein, or in the proceeds of sale thereof, on that day.

(5) References in this section to duties borne by any person shall be construed as including a reference to duties which that person has become liable to bear.

Compensation for expenditure on improvements.

54.—(1) Subject to the provisions of this section, if it is shown, on a claim made to the Land Commission in accordance with the provisions of this Part of this Act, that the development value on the appointed day of any interest in land to which this Part of this Act applies has been increased by the carrying out, after the first day of January, nineteen hundred and nineteen, of works of improvement of any such class as may be prescribed by regulations made under this Act with the consent of the Treasury, being works carried out by a person for the time being interested in the land or works any part of the cost of which was borne by such a person, the Commission shall pay in respect of that interest compensation in accordance with the following provisions of this section:

Provided that no account shall be taken for the purposes of this section of any works carried out in contravention of previous planning control, unless the works are deemed by virtue of the Building Restrictions (War Time Contraventions) Act, 1946, or of any determination effected thereunder (whether before or after the appointed day) to comply with planning control within the meaning of that Act, or unless planning permission is granted in respect of the works under Part II of this Act.

(2) The compensation payable under this section in respect of an interest in land shall be a sum equal to—

(a) so much of the development value on the appointed day of that interest as is attributable to the carrying out of the works in question; or

(b) the amount of the expenditure or cost incurred or borne by a person for the time being interested in the land in connection with the carrying out of those works, reduced by an amount equal to so much (if any) of the restricted value of the said interest as is attributable thereto.

whichever is the less.
(3) A claim for compensation may be made under this section in respect of an interest in land in addition to any claim for compensation in respect of that interest under the foregoing provisions of this Part of this Act:

Provided that where a claim for compensation is made under this section in respect of an interest in land in respect of which compensation is payable under section fifty or section fifty-three of this Act:

(a) no account shall be taken for the purposes of this section of any works carried out before the date of the purchase of that interest or, as the case may be, before the death or other event, which is relevant for the purposes of those sections respectively; and

(b) for the purposes of the said section fifty or the said section fifty-three, as the case may be, the value of any works in respect of which compensation is payable under this section shall be deducted from the development value of that interest.

55.—(1) Where the land in respect of an interest in which a claim for compensation is made under section fifty or section fifty-three of this Act comprises two or more parcels held under separate titles, the compensation so payable in respect of that interest shall be an amount equal to the aggregate of the compensation which would be so payable if separate claims for such compensation were made in respect of the interest of the owner in each of those parcels:

Provided that if the sum of the development values on the appointed day of those interests is greater or less than the development values on that day of the whole interest, the first mentioned development values shall be reduced or increased, as the case may be, proportionately by an amount equal to the difference.

(2) Where any interest in land in respect of which a claim for compensation is made under section fifty or section fifty-three of this Act is an interest in which, on the occasion of the purchase, death or other event which is relevant for the purposes of the compensation, or at any time thereafter, any other interest has been merged, then if that other interest would, but for the merger, have been subsisting on the appointed day, the compensation payable as aforesaid in respect of the first mentioned interest shall be an amount equal to the aggregate of the compensation which would have been payable under those provisions in respect of that interest, and in respect of the interest which was merged therein as aforesaid, if the merger had not taken place:

Provided that if the sum of the development values on the appointed day of the interests aforesaid is greater or less than
the development value on the appointed day of the interest as it subsists on that day, regard being had to the merger, the first mentioned development values shall be reduced or increased, as the case may be, proportionately by an amount equal to the difference.

(3) Except as provided by the last foregoing subsection, no account shall be taken for the purposes of this Part of this Act of any interest in land which has been extinguished, by merger or otherwise, before the appointed day.

(4) Subject to the foregoing provisions of this section, regulations made under this Act with the consent of the Treasury may make provision for securing that where any interest in land has been enlarged, at any time after a purchase thereof which is relevant for the purposes of compensation under this Part of this Act, by the acquisition or discharge of easements or other rights, or by such other transactions effected for the benefit of interest as may be specified in the regulations, the development value of that interest on the appointed day shall be apportioned, in such manner as may be prescribed by the regulations, as between the purchase and any such transaction, and the compensation payable under section fifty of this Act ascertained as if any such transaction constituted a purchase for value.

56. Where an interest in land to which this Part of this Act applies has changed hands by a purchase for value after the [date of introduction], then if, under the foregoing provisions of this Part of this Act, compensation would have been payable in respect of that interest if the person who was the owner thereof on the said date had continued to be the owner thereof until the appointed day, the like compensation shall be payable thereunder as would have been payable in that event.

57.—(1) If it is shown, on a claim made to the Land Commission in accordance with the provisions of this Part of this Act—

(a) that the restricted value of any interest in land to which this Part of this Act applies, is less than the unrestricted value of that interest;

(b) that the land in which the interest subsists suffered war damage in such circumstances that a value payment under the War Damage Act, 1943, falls to be made in respect of a hereditament within the meaning of that Act which consists of or includes the whole or any part of that land;

(c) that the amount by which the restricted value of the interest is diminished by the war damage exceeds the amount of the value payment or, as the case may be, of so much thereof as, on a just apportionment, is attributable to the interest,
then, subject to the provisions of this Part of this Act, there shall be paid, by way of compensation in respect of that interest a sum equal to the excess.

(2) A claim for compensation may be made under this section in respect of an interest in land in addition to any claim for compensation in respect of that interest under the foregoing provisions of this Part of this Act:

Provided that the compensation payable under this section in respect of an interest in land, when added to any compensation payable under the foregoing provisions of this Part of this Act in respect of that interest, shall not exceed the development value of that interest on the appointed day.

(3) Where, by virtue of an order under section eleven of the War Damage Act, 1943, the amount of the value payment is increased, the increase in compensation under this section shall be computed as if the amount by which the restricted value of the interest is diminished by the war damage were increased in the same proportion.

58.—(1) No compensation shall be payable on a claim made under any of the foregoing provisions of this Part of this Act if the amount which would be so payable, apart from this provision, is less than five pounds.

(2) No compensation shall be payable under section fifty or section fifty-three of this Act in respect of any interest in land unless—

(a) the development value on the appointed day of that interest, when averaged over the area of the land, exceeds the rate of twenty pounds per acre; and

(b) the development value on the appointed day of that interest also exceeds one-tenth of its restricted value;

and for the purposes of paragraph (b) of this subsection the restricted value of any leasehold interest in land shall be calculated without regard to the rent payable under the lease or to any covenants on the part of the lessee, and the restricted value of any interest in land which is subject to a rentcharge shall be calculated without regard to the rentcharge.

(3) Where, by virtue of section fifty-five of this Act, the compensation payable under section fifty or section fifty-three of this Act in respect of any interest in land is ascertained by calculating the compensation which would be payable under those sections if separate claims for compensation were made in respect of the interest of the owner in two or more parcels of land or if another interest had not merged in that interest, the references in paragraphs (a) and (b) of the last foregoing subsection to the development value of an interest in land shall be construed as references to the development value of the interest as it subsists on the appointed day.
PART IV.
—cont.
Satisfaction of compensation by issue of stock, etc.

59.—(1) Subject to the provisions of this section, any compensation payable under this Part of this Act shall be satisfied by the issue of stock (hereinafter referred to as "compensation stock") the principal of which and the interest on which shall be charged on the Consolidated Fund.

(2) Compensation stock shall be issued on such date as may be fixed by the Treasury, being a date not later than five years after the appointed day, and the amount of such stock to be so issued in satisfaction of any payment of compensation shall be such as, in the opinion of the Treasury, is of a value equal on the date of the issue to the amount of the payment, having due regard to the market values of other government securities existing on that date:

Provided that if the amount of the compensation payable to any person has not been finally determined at the date fixed by the Treasury under this subsection, the compensation stock to be issued in satisfaction of the compensation payable to that person shall be issued on such date after the amount thereof has been so determined as the Treasury may direct, and the foregoing provisions of this subsection shall have effect accordingly.

(3) The Treasury may by regulations make provision as to the procedure for the issue of compensation stock in satisfaction of compensation under this section, including provision as to evidence of the amount of stock to be issued in any case, and the person to whom it is to be issued, on which the Banks of England and Ireland respectively are to be authorised or required to act.

(4) Regulations made under this Act with the consent of the Treasury may provide for securing that any compensation payable under this Part of this Act to a person by whom any sum is payable to the Land Commission under Part V of this Act in respect of a development charge, being a sum falling due before the compensation has been satisfied by the issue of compensation stock under the foregoing provisions of this section, shall, in such cases and subject to such conditions as may be prescribed by the regulations, be satisfied, to the extent of the sum so payable, by set-off against that sum.

60.—(1) Compensation stock shall bear such rate of interest, and shall be subject to such conditions as to repayment, redemption and other matters (including provision for a sinking fund), as the Treasury may determine.

(2) Any expenses incurred in connection with the issue or repayment of compensation stock shall be charged on and issued out of the Consolidated Fund.
(3) The Treasury may, for the purpose of providing any sums required by them in order to redeem compensation stock, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities credited and issued to raise money under this subsection shall be deemed for all purposes to have been credited and issued under that Act.

(4) Interest on compensation stock shall be paid out of the permanent annual charge for the national debt.

(5) There shall be paid to the Banks of England and Ireland respectively, out of the Consolidated Fund, such sum in respect of the management of compensation stock in any financial year as may be agreed upon between the Treasury and those banks respectively.

(6) Section forty-seven of the Finance Act, 1942 (which empowers the Treasury to make regulations as respects the transfer and registration of stock and registered bonds of the descriptions specified in Part I of the Eleventh Schedule to that Act) and any regulations made under that section which are in force immediately before the passing of this Act, shall have effect as if compensation stock were included among the stocks mentioned in the said Part I and among the stocks to which the said regulations apply.

(7) Compensation stock shall be subject to the provisions of the National Debt Act, 1870, so far as is consistent with the tenor of this Act.

(8) Paragraphs 3, 4 and 5 of the Second Schedule to the National Loans Act, 1939 (which applies certain enactments to securities issued under that Act) shall have effect as if references to securities so issued included references to compensation stock.

61.—(1) Interest on the amount of any compensation payable under this Part of this Act shall accrue, at such rate as may from time to time be determined by the Treasury, from the appointed day until the date on which the compensation is satisfied in accordance with the foregoing provisions of this Part of this Act, and shall be paid by the Land Commission in cash at the time when stock is issued under those provisions in satisfaction of that compensation:

Provided that where any such compensation is satisfied, in accordance with regulations made under the foregoing provisions of this Part of this Act, by set-off against any sum due to the Land Commission from the person entitled to the compensation, any interest accrued on the amount of the compen-
PART IV. —cont.

Satisfaction of compensation by issue of stock, etc.

Satisfaction of Compensation.

59. —(1) Subject to the provisions of this section, any compensation payable under this Part of this Act shall be satisfied by the issue of stock (hereinafter referred to as "compensation stock") the principal of which and the interest on which shall be charged on the Consolidated Fund.

(2) Compensation stock shall be issued on such date as may be fixed by the Treasury, being a date not later than five years after the appointed day, and the amount of such stock to be so issued in satisfaction of any payment of compensation shall be such as, in the opinion of the Treasury, is of a value equal on the date of the issue to the amount of the payment, having due regard to the market values of other government securities existing on that date:

Provided that if the amount of the compensation payable to any person has not been finally determined at the date fixed by the Treasury under this subsection, the compensation stock to be issued in satisfaction of the compensation payable to that person shall be issued on such date after the amount thereof has been so determined as the Treasury may direct, and the foregoing provisions of this subsection shall have effect accordingly.

(3) The Treasury may by regulations make provision as to the procedure for the issue of compensation stock in satisfaction of compensation under this section, including provision as to evidence of the amount of stock to be issued in any case, and the person to whom it is to be issued, on which the Banks of England and Ireland respectively are to be authorised or required to act.

(4) Regulations made under this Act with the consent of the Treasury may provide for securing that any compensation payable under this Part of this Act to a person by whom any sum is payable to the Land Commission under Part V of this Act in respect of a development charge, being a sum falling due before the compensation has been satisfied by the issue of compensation stock under the foregoing provisions of this section, shall, in such cases and subject to such conditions as may be prescribed by the regulations, be satisfied, to the extent of the sum so payable, by set-off against that sum.

60. —(1) Compensation stock shall bear such rate of interest, and shall be subject to such conditions as to repayment, redemption and other matters (including provision for a sinking fund), as the Treasury may determine.

(2) Any expenses incurred in connection with the issue or repayment of compensation stock shall be charged on and issued out of the Consolidated Fund.
(3) The Treasury may, for the purpose of providing any sums required by them in order to redeem compensation stock, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities credited and issued to raise money under this sub-section shall be deemed for all purposes to have been credited and issued under that Act.

(4) Interest on compensation stock shall be paid out of the permanent annual charge for the national debt.

(5) There shall be paid to the Banks of England and Ireland respectively, out of the Consolidated Fund, such sum in respect of the management of compensation stock in any financial year as may be agreed upon between the Treasury and those banks respectively.

(6) Section forty-seven of the Finance Act, 1942 (which empowers the Treasury to make regulations as respects the transfer and registration of stock and registered bonds of the descriptions specified in Part I of the Eleventh Schedule to that Act) and any regulations made under that section which are in force immediately before the passing of this Act, shall have effect as if compensation stock were included among the stocks mentioned in the said Part I and among the stocks to which the said regulations apply.

(7) Compensation stock shall be subject to the provisions of the National Debt Act, 1870, so far as is consistent with the tenor of this Act.

(8) Paragraphs 3, 4 and 5 of the Second Schedule to the National Loans Act, 1939 (which applies certain enactments to securities issued under that Act) shall have effect as if references to securities so issued included references to compensation stock.

61.—(1) Interest on the amount of any compensation payable under this Part of this Act shall accrue, at such rate as may from time to time be determined by the Treasury, from the appointed day until the date on which the compensation is satisfied in accordance with the foregoing provisions of this Part of this Act, and shall be paid by the Land Commission in cash at the time when stock is issued under those provisions in satisfaction of that compensation:

Provided that where any such compensation is satisfied, in accordance with regulations made under the foregoing provisions of this Part of this Act, by set-off against any sum due to the Land Commission from the person entitled to the compensation, any interest accrued on the amount of the compen-
PART IV—cont.

Payments by Land Com-
Exchequer

sation which is so satisfied shall be paid at the time of the set-off, and thereafter interest shall accrue only on the balance (if any) remaining after the set-off has been effected.

(2) The Treasury may issue to the Land Commission out of the Consolidated Fund such sums as are necessary to enable them to make payments of interest under this section, other than interest paid in accordance with the proviso to the foregoing subsection.

(3) For the purpose of providing sums to be issued under the last foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this section shall be deemed for all purposes to have been created and issued under that Act.

(4) Any sums required by the Land Commission for the payment of interest in accordance with the proviso to subsection (1) of this section shall be defrayed out of moneys provided by Parliament.

62.—(1) The Land Commission shall, out of moneys provided by Parliament, pay into the Exchequer in accordance with the following provisions of this section sums equal to the aggregate amount of—

(a) the amount of any compensation satisfied by the issue of compensation stock under the foregoing provisions of this Part of this Act; and

(b) the amount of any sums issued to the Commission out of the Consolidated Fund under the last foregoing section,

together with interest on the said aggregate amount at such rate as the Treasury may direct from the date of the issue.

(2) The sums required by the foregoing subsection to be paid into the Exchequer by the Land Commission shall be paid by twenty equal instalments of principal and interest, of which the first shall be paid one year after the date fixed by the Treasury for the issue of compensation stock, and the remainder annually thereafter:

Provided that where any compensation payable under this Part of this Act is satisfied, in accordance with the proviso to subsection (2) of section fifty-nine of this Act, at any time after the date fixed as aforesaid, the sums required to be
paid into the Exchequer under this section in respect of that compensation, and in respect of sums issued to the Commission out of the Consolidated Fund under the last foregoing section in respect of interest payable thereon, shall be so paid by such number of equal annual instalments of principal and interest as will complete the payments on the same date as the payments made thereunder in respect of compensation which is satisfied on the date fixed as aforesaid.

(3) Any sums paid into the Exchequer under the foregoing provisions of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

(a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit;

(b) so much thereof as represents interest shall be applied to the payment of interest which would, apart from this provision, have fallen to be paid out of the permanent annual charge for the national debt.

Supplemental.

63.—(1) Subject to the provisions of this section, the right to receive any compensation payable thereunder in respect of an interest in land shall vest in the person who is on the appointed day the owner of that interest.

(2) Section one hundred and five of the War Damage Act, 1943 (which defines the expression "owner" in relation to a proprietary interest in a hereditament) shall apply for the purposes of this Part of this Act in relation to any interest in land to which this Part of this Act applies as it applies for the purposes of Part I of that Act in relation to a proprietary interest:

Provided that subsection (4) of that section (which relates to requisitioned land) shall, as applied for the purposes of this Part of this Act, have effect as if the words "during the period beginning with the twenty-fourth day of August, nineteen hundred and thirty-nine, and ending with the termination of the risk period" were omitted from the definition of "requisitioned land" in subsection (1) of section one hundred and twenty-three of that Act.

(3) Provision may be made by regulations under this Act—

(a) for applying to any compensation payable under this Part of this Act all or any of the provisions of sections
Provisions as to claims for compensation.

(4) The right to receive a payment of compensation under this Part of this Act or a part of such a payment, shall be transmissible by assignment or by operation of law as a personal right.

Provided that an assignment in whole or in part of any such payment or part, made either before or after the passing of this Act, whether absolutely or by way of charge, shall be of no effect as against the Land Commission unless notice thereof has been given to the Commission, in the manner prescribed by regulations under this Act, before the expiration of such period after the appointed day as may be so prescribed.

64.—(1) Any claim for compensation under this Part of this Act shall be made to the Land Commission, in such manner, and accompanied by such particulars, as may be prescribed by regulations under this Act, not later than six months after the appointed day or within such longer period as the Land Commission may at any time allow, either generally or in relation to any particular case or class of cases.

(2) Subject as hereinafter provided, a claim for compensation under this Part of this Act may be made in respect of such land as the person making the claim thinks fit, and different claims may be made in respect of the interest of the same person in different parcels of the land:

Provided that—

(a) not more than one claim shall be made under section fifty of this Act in respect of the interest of any person in land acquired by a single purchase, unless the Land Commission for special reasons otherwise direct; and
(b) the Land Commission may direct that any two or more claims in respect of the interest of the same person in different parcels of land shall be dealt with together and treated as if they were one claim in respect of the interest of that person in the whole of the land included in the claims.

(3) Regulations made under this Act may provide for enabling or requiring the Land Commission to refuse to pay compensation under this Part of this Act unless there are produced to them such documents, and such information or evidence, verified in such manner, as the Commission may require.

PART V
DEVELOPMENT CHARGES

15 65.—(1) Subject to the provisions of this Act, there shall be paid to the Land Commission in respect of the carrying out of any operations to which this Part of this Act applies, and in respect of any use of land to which this Part of this Act applies, a development charge of such amount (if any) as the Commission may determine.

(2) This Part of this Act applies to all operations for the carrying out of which planning permission under Part II of this Act is required, and to all uses of land for the institution of which such permission is so required:

Provided that—

(a) this Part of this Act does not (except as hereinafter provided) apply to operations of any description specified in the Third Schedule to this Act or to any use of land so specified, or to any operations which consist only of the making good of war damage;

(b) regulations made under this Act with the consent of the Treasury may provide for exempting from the provisions of this Part of this Act operations or uses of any description specified in the regulations.

35 (3) Notwithstanding anything in paragraph (a) of the proviso to the last foregoing subsection, where under subsection (1) of section seventeen of this Act compensation has been paid in consequence of the refusal of planning permission for development of any class specified in the said Third Schedule to this Act or of the grant of such permission subject to conditions, or in consequence of the revocation or modification of such permission, then if planning permission is subsequently
(4) Where, by virtue of any provision of this Act, planning permission under Part II of this Act is granted in respect of the retention on land of any buildings or works, or the continuance of any use of land (including any such buildings or works erected before the appointed day and any such use begun before that day), the provisions of this Part of this Act shall apply in relation thereto as they apply in relation to the carrying out of operations for which such permission is so required or in relation to the making of any use for the institution of which such permission is so required.

(5) No operations to which this Part of this Act applies shall be carried out, and no use of land to which this Part of this Act applies shall be instituted or continued, until the amount of the charge (if any) to be paid in respect of those operations or that use has been determined and certified by the Land Commission, and the amount (if any) so determined has been paid or secured in accordance with the requirements of the Commission under the following provisions of this Part of this Act.

66.—(1) Subject as hereinafter provided, the Land Commission shall, on application being made to them in the manner prescribed by regulations under this Act by a person having an interest in land sufficient to enable him to carry out any such operations as aforesaid or to make any such use as aforesaid, or by a person who satisfies them that he is able to obtain such an interest, determine and certify whether any and if so what development charge is to be paid in respect of those operations or that use:

Provided that—

(a) where planning permission under Part II of this Act has not been granted for the carrying out of the said operations or for the institution or continuance of the said use, the Commission may postpone the determination of the development charge to be paid in respect thereof until such permission has been granted;

(b) where the application relates to the carrying out of any operations, the Commission may refuse to determine the development charge payable in respect thereof unless they are satisfied, after consultation
with the local planning authority, that the applicant is able to carry out those operations, and that he will do so within such period as the Commission consider appropriate;

(c) where the application relates to the institution of any use of land, the Commission may refuse to determine the amount of the charge in respect thereof unless they are satisfied, after consultation with the local planning authority, that the use will be instituted within such period as they consider appropriate.

(2) In determining whether and if so what development charge is to be paid under this Part of this Act in respect of any operations or any use of land, the Commission shall have regard to any increase in the value of the land which arises or is likely to arise from the carrying out of those operations, or from the institution or continuance of that use, as the case may be.

(3) Subject to the provisions of the last foregoing subsection, regulations made under this Act with the consent of the Treasury may prescribe general principles to be followed by the Land Commission in determining under this Part of this Act whether any and if so what development charge is to be paid thereunder in respect of any operations or use of land, and without prejudice to the generality of the foregoing provision, such regulations may in particular provide for securing that the amount of the said charge shall be determined on different principles in relation to operations or uses of different classes, or in relation to operations or uses carried out or begun at different periods.

(4) Where planning permission for any operations, or for any use of land, is granted by an order made under subsection (6) of section twenty-two of this Act, or directions are given under subsection (3) of section seventeen of this Act requiring such permission to be granted on application made in that behalf, the Commission may determine, in relation to any interest in the land, the amount of the development charge (if any) which would be payable under this Part of this Act in respect of those operations or that use, notwithstanding that no such application as is mentioned in this section has been made to them in that behalf.

67.—(1) The amount of the development charge payable under this Part of this Act in respect of the carrying out of any operations or in respect of any use of land may be determined either as a single capital payment or as a series of instalments of capital, or of other annual or periodical payment and security for payment of development charges.
payments, of such amounts, and payable at such times, as the Land Commission may determine.

(2) Except where the development charge is determined as aforesaid as a single capital payment which is then discharged, the Land Commission may require the applicant—

(a) to enter into such covenants as they may direct for the payment of any sums payable by virtue of the determination (whether with or without interest in default of due payment);

(b) to give such security as they may direct (whether by way of a charge on the interest of the applicant in the land or otherwise) for the payment of any such sums as aforesaid,

and the Commission shall not be required to certify the amount of the development charge until any such requirement has been complied with.

(3) Any sum payable to the Commission by any person by virtue of any such covenant as aforesaid shall be recoverable from him as a debt due to the Crown.

(4) Any sums received by the Land Commission in respect of the payment of a development charge shall be paid into the Exchequer.

68.—(1) Subject as hereinafter provided, a determination of the Land Commission under this Part of this Act in respect of any operations or use of land shall have effect in relation to the carrying out of those operations, or, as the case may be, in relation to that use of the land, by any person for the time being interested therein and the question whether any and if so what development charge is to be paid under this Part of this Act in respect of any such operations or use shall be determined accordingly:

Provided that the Commission may, if they think fit, direct that any such determination as aforesaid shall cease to have effect if, before the operations to which the determination relates are carried out or completed, or, as the case may be, before the use to which it relates is instituted, any interest in the land is transferred or created (otherwise than by operation of law), unless the determination is confirmed by the Commission, with or without modifications, on a subsequent application made to them in that behalf.

(2) Notwithstanding anything in the foregoing subsection, the amount of the development charge payable under this Part of this Act in respect of the use of land for any purpose may be determined in respect of the use of the land for that purpose during such period as may be specified in the determination:
Provided that—

(a) where planning permission for the institution or continuation of the use of land for any purpose has been granted under Part II of this Act for a limited period only, the amount of the said charge shall not be determined in respect of the use of the land for that purpose during any longer period; and

(b) where application is made to the Land Commission to determine the amount of the said charge in respect of the use of the land for any purpose during any period specified in the application, the said amount shall not be so determined in respect of the use of the land for that purpose during any period longer than the period so specified.

(3) Where a determination of the Land Commission is made, under the last foregoing subsection, in respect of the use of land for any purpose during a period specified in the determination, the provisions of this Part of this Act shall apply in relation to the use of the land for that purpose by any person after the expiration of that period as if the determination had not been made.

69.—(1) The Land Commission may at any time, on application made to them in that behalf in accordance with regulations under this Act by the person entitled to an interest in land to which a determination under this Part of this Act relates, vary their determination in such manner as appears to them to be appropriate having regard to any change of circumstances since the determination was made, and may amend, discharge or release any covenants or charges made or given in respect of the determination, or repay any sums previously paid thereunder, so far as may be required in order to give effect to the variation:

Provided that, except in a case where application is made to them to confirm a previous determination on the transfer or creation of any interest in land, the Commission shall not have power to vary any determination under this Part of this Act so as to increase the amount of the development charge payable thereunder.

(2) Without prejudice to the provisions of the foregoing subsection, where, after the development charge has been determined under this Part of this Act in respect of any operations or in respect of any use of land, planning permission granted under Part II of this Act for the carrying out of those operations or for the institution or continuation
of that use is revoked or modified under the said Part II, then—

(a) where the permission is revoked as aforesaid, the determination of the Land Commission, and any covenants and charges made or given in respect thereof shall cease to have effect; and

(b) where the permission is modified as aforesaid, the Commission shall, on application made to them in accordance with regulations under this Act, vary their determination, and amend, discharge or release any covenants and charges made or given in respect thereof, so far as may be just in consequence of the modification.

(3) Where planning permission under Part II of this Act to carry out any operations, or to institute or continue any use of land, is revoked or modified as mentioned in the last foregoing subsection, any sums previously paid to the Land Commission by way of development charge in respect of those operations, or in respect of that use, shall be included in the expenditure which may be taken into account for the purposes of section nineteen of this Act as expenditure rendered abortive by the revocation or modification; and the Land Commission may, out of moneys provided by Parliament, pay to the local planning authority who are liable to pay any such compensation a contribution towards that compensation not exceeding the amount of any sum paid as aforesaid.

(4) Where an order is made under section twenty-two of this Act requiring the removal or alteration of any buildings or works in respect of the erection or carrying out of which a development charge was payable under this Part of this Act, or requiring the discontinuance, or imposing conditions on the continuance, of any use of land in respect of which such a charge was so payable, then—

(a) where the order requires the buildings or works to be removed, or the use to be discontinued, as aforesaid, the determination of the Land Commission and any covenants or charges made or given in respect thereof shall cease to have effect; and

(b) where the order requires the buildings or works to be altered, or imposes conditions on the continuance of the use, the Commission shall, on application made to them in accordance with regulations under this Act, vary their determination, and amend, discharge or release any covenants and charges made or given in respect thereof, so far as may be just in consequence of the provisions of the order.
(5) In calculating the compensation payable under section twenty-three or under subsection (3) of section seventeen of this Act in consequence of any such order as is mentioned in the last foregoing subsection, regard shall be had to the provisions of that subsection; and the Commission may pay to any local authority by whom compensation is so payable in consequence of the order a contribution towards that compensation not exceeding any sums paid by way of development charge in respect of the erection or carrying out of the buildings or works or in respect of the use of the land, as the case may be.

(6) Any sums required by the Land Commission for the repayment of sums under this section, or for the making of contributions thereunder, shall be defrayed out of moneys provided by Parliament.

70.—(1) If any operations to which this Part of this Act applies are carried out, or any use of land to which this Part of this Act applies is instituted or continued, in contravention of the foregoing provisions of this Part of this Act, the Land Commission may, without any application being made to them in that behalf, by order determine and certify whether any and if so what development charge is to be paid in respect of those operations or in respect of that use:

Provided that, subject to the following provisions of this section, the amount of the development charge so determined and certified shall not exceed the amount which, in the opinion of the Commission, would have been so determined and certified if application had been duly made to them in that behalf under this Part of this Act.

(2) Any order made under this section may require the payment to the Commission, by such persons as may be specified in the order (being persons who would have been required to pay the development charge if it had been determined on an application duly made as aforesaid), of such sums in respect of the charge and interest thereon as may be so specified, and may charge the interest of any such person in the land with the payment of any sums so payable by that person or by any of his predecessors in title.

(3) Subject as hereinafter provided, the Land Commission may, if it appears to them to be just so to do, include in the amount of the development charge determined by an order under this section such additional sum by way of penalty as they consider appropriate, not exceeding twice the amount
of the development charge determined as aforesaid, and the provisions of subsection (2) of this section shall apply in relation to any such penalty as they apply in relation to the amount determined as aforesaid:

Provided that any person who is aggrieved by the inclusion of any such penalty in an order under this section may appeal to the appropriate court, and that court may, if they think fit, modify the order by omitting the penalty or by reducing the amount thereof to such extent as they consider appropriate.

(4) The provisions of this section shall apply in relation to any such operations or uses of land as are mentioned in subsection (1) of this section whether or not planning permission was granted in respect thereof under Part II of this Act; but where proceedings are taken under section twenty of this Act for the enforcement of planning control in relation to any such operations or use, regard shall be had to those proceedings in determining the amount of the development charge under this section.

(5) Any sum payable to the Land Commission by any person by virtue of an order under this section shall be recoverable from that person as a debt due to the Crown.

(6) For the purposes of subsection (3) of this section the expression "the appropriate court" means, in relation to a penalty exceeding five hundred pounds, the High Court, and in relation to any other penalty, the county court for the district in which the land or any part thereof is situated.

Provisions as to applications for determinations under Part V.

71.—(1) Any application to the Land Commission to make or confirm any determination under this Part of this Act shall be made to the Commission in such manner, and accompanied by such particulars, as may be prescribed by regulations under this Act.

(2) Without prejudice to the generality of the foregoing provision, regulations made for the purposes of this section may in particular provide—

(a) for securing that, in such cases and subject to such conditions as may be prescribed by or under the regulations, an application for planning permission for any development under Part II of this Act may be treated as a sufficient application to the Land Commission to determine the development charge payable under this Part of this Act in respect of that development;
for enabling or requiring the Commission to refuse
to determine any matter which they are authorised —
or required under this Part of this Act to determine
unless there are produced to them such documents,
and such information or evidence, verified in such
manner, as the Commission may require.

72. Where provision is made by regulations made under
the provisions of Part II of this Act with respect to the control
of advertisements, directing that any operations or uses of
land to which the regulations extend shall not be deemed to
constitute or involve development of land within the meaning
of this Act, those regulations may nevertheless direct that the
provisions of this Part of this Act shall apply, subject to such
exceptions, adaptations and modifications as may be pre-
scribed by the regulations, in relation to any such operations
and uses as aforesaid for which consent is required under the
regulations as they apply in relation to operations and uses
for which planning permission is required under the said
Part II.

PART VI.

APPLICATION TO SPECIAL CASES.

73.—(1) Where, at any time before the appointed day,
any works on land have been carried out, or any use of
land has been begun, in contravention of previous planning
control, then, subject to the provisions of this section, the
provisions of Part II of this Act with respect to enforcement
notices shall apply in relation thereto as they apply in relation
to development carried out after the appointed day without
the grant of permission in that behalf under the said Part II:

Provided that an enforcement notice shall not be served
by virtue of the provisions of this section in respect of any
works or use (not being works or a use carried out or begun
during the war period as defined by the Building Restrictions
(War-Time Contraventions) Act, 1946) at any time after three
years from the appointed day.

(2) Where any such works as aforesaid were carried out,
or any such use as aforesaid was begun, during the war
period as defined by the Building Restrictions (War-Time
Contraventions) Act, 1945, then—

(a) if by virtue of the provisions of that Act, or of any
determination effected thereunder (whether before
or after the appointed day), the works or use are
deemed to comply with planning control within the
PART IV—cont.

meaning of that Act, the provisions of this section
shall not apply, or, as the case may be, shall cease to
apply to those works or that use; and

(b) if it has been determined under that Act (whether
before or after the appointed day) that the works
or use shall not be deemed to comply with planning
control within the meaning of that Act, subsection
(3) of section twenty of this Act shall have effect,
in relation to any enforcement notice served in
respect of the works or use by virtue of the pro-
visions of this section, as if the proviso to that sub-
section were omitted.

(3) The power of the local planning authority under
Part II of this Act to grant permission for the retention on
land of buildings or works constructed or carried out before
the date of application, or for the continuance of any use
of land instituted before that date, shall include power to
grant such permission in relation to any buildings or works
or use of land in respect of which that authority is empowered
to serve an enforcement notice by virtue of the provisions of
this section; and where permission is so granted, the fore-
going provisions of this section shall cease to apply to the
works or use to which the permission relates, but without
prejudice to the application thereof to any provisions of the
said Part II with respect to the contravention of conditions
subject to which permission for development has been granted
thereunder.

(4) In relation to an enforcement notice served by virtue
of this section, subsection (4) of section twenty of this Act
shall have effect as if for paragraph (a) thereof there were
substituted the following paragraph:—

"(a) if satisfied that the works or use to which the
notice relates were not carried out or begun in
contravention of previous planning control, or are
deemed by virtue of the Building Restrictions (War-
Time Contraventions) Act, 1946, or of any deter-
mination effected thereunder, to comply with
planning control within the meaning of that Act,
shall quash the notice to which the appeal relates".

(5) Where an enforcement notice served by virtue of this
section in relation to any land takes effect, the restricted and
the unrestricted values of any interest therein shall be cal-
culated for the purposes of Part IV of this Act having regard
to the requirements of the notice, and the assumptions
required to be made for that purpose shall be modified
accordingly.
(6) Where, under Part II of this Act, planning permission is granted for the retention of any such works, or the continuance of any such use, as are mentioned in subsection (1) of this section, no development charge shall be payable under Part V of this Act in respect of the retention of the works, or in respect of the continued use of the land, in accordance with permission so granted.

(7) Provision may be made by regulations under this Act for applying the foregoing provisions of this section, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in contravention of any restriction in force under any enactment repealed by this Act (other than the enactments relating to town and country planning); and any such regulations may make such consequential provisions as the Minister considers expedient, including provision for amending the Building Restrictions (War-Time Contraventions) Act, 1946 in its application to any such restriction as aforesaid.

74.—(1) Where, at any time before the appointed day, any works on land have been carried out, or any use of land has been begun, in accordance with permission granted under a planning scheme or under an interim development order subject to conditions, the provisions of Part II of this Act shall apply in relation thereto as if the conditions had been imposed on the grant of planning permission under the said Part II.

(2) Without prejudice to the generality of the foregoing subsection, where any such permission as aforesaid was granted subject to conditions (in whatever form) restricting the period for which the works or use may be continued on the land, then, if that period has not expired at the appointed day and the works are not removed, or the use discontinued, at the expiration of that period, the provisions of Part II of this Act with respect to enforcement notices shall apply in relation thereto as if the works had been carried out, or the use begun, as the case may be, at the expiration of that period and without the grant of permission in that behalf under the said Part II.

(3) The power of a local planning authority under Part II of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of the application, or the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any works carried out or use of land begun in accordance with permission granted subject to any
such conditions as are mentioned in the last foregoing sub-
section; and where permission is so granted that subsection
shall cease to apply to the works or use to which the permission
relates, but without prejudice to the application thereto of any
provisions of the said Part II with respect to the contravention
of conditions subject to which permission for development
has been granted thereunder.

(4) For the purposes of Part IV of this Act, the restricted
and the unrestricted values of any interest in land to which
any such permission as is mentioned in subsection (1) of this
section relates shall be calculated having regard to the con-
ditions subject to which the permission was granted and to
the provisions of this section, and the assumptions required
to be made for that purpose shall be modified accordingly.

(5) Provision may be made by regulations under this Act
for applying the foregoing provisions of this section, subject
to such adaptations and modifications as may be specified
in the regulations, to works on land carried out, or uses of
land begun, at any time before the appointed day, in
accordance with permission granted subject to conditions
under any enactment repealed by this Act (other than the
enactments relating to town and country planning); and for
the purposes of this provision any works or use in respect of
which a notice has been served under subsection (1) of section
one of the Restriction of Ribbon Development (Temporary
Development) Act, 1943, or is deemed by virtue of subsection
(4) of that section to have been so served, shall be treated as
carried out or begun in accordance with permission granted
subject to a condition restricting the period for which the
works or use may be continued on the land.

75.—(1) Where permission for any development of land
has been granted, at any time after the twenty-second day of
July, nineteen hundred and forty-three, and before the
appointed day, on an application in that behalf made under
an interim development order, then if and so far as that
development has not been carried out before the appointed
day, planning permission shall be deemed by virtue of this
section to be granted in respect thereof under Part II of this
Act, subject to the like conditions, if any, as were imposed on
the grant of permission under the interim development order.

(2) Subject to the following provisions of this Part of this
Act, in any case to which those provisions apply, no account
shall be taken of the provisions of this section in calculating
for the purposes of Part IV of this Act the development value
of any interest in land for the development of which permis-
sion is deemed to be granted as aforesaid; and nothing in
this section shall be construed as affecting the operation of Part V of this Act in relation to any development in respect of which permission is deemed to be so granted.

(3) The provisions of section eighteen of this Act shall apply in relation to permission which is deemed to be granted by virtue of this section as if it had been granted on an application made in that behalf under Part II of this Act, and in relation to any order made under that section for the revocation or modification of any such permission any reference in subsection (2) of section nineteen of this Act to the grant of permission shall be construed as a reference to the grant of the permission under the interim development order:

Provided that no account shall be taken for the purposes of the said section nineteen of any expenditure incurred or sum paid in connection with the carrying out of works of improvement in respect of which compensation is payable under section fifty-four of this Act.

76.—(1) Subject to the provisions of this section, where any works for the erection or alteration of a building, or for the formation of any means of access to a road, have been begun but not completed before the appointed day, then if those works, so far as carried out before that day, were carried out in conformity with the provisions of a planning scheme, or in accordance with permission granted by or under an interim development order, planning permission shall, by virtue of this section, be deemed to be granted under Part II of this Act in respect of the completion of those works.

(2) The permission deemed to be granted by virtue of this section shall be deemed to be so granted subject to any conditions applicable thereto under the scheme or the permission granted by or under the interim development order, as the case may be, and, in the case of works for the erection or alteration of a building, shall include permission to use the building when erected or altered—

(a) where the purpose for which it could be so used was prescribed by or under the planning scheme, or by the permission granted by or under the interim development order, as the case may be, for that purpose;

(b) in any other case, for the purpose for which the building, or the building as altered, is designed.

(3) The development value of land for the development of which permission is deemed to be granted by virtue of this
section shall be calculated for the purposes of Part IV of this Act as if that development had been completed immediately before the appointed day, and no development charge shall be payable under Part V of this Act in connection with that development.

(4) In relation to any such works as are mentioned in sub-section (1) of this section, being works in respect of which permission was granted after the twenty-second day of July, nineteen hundred and forty-three, on an application in that behalf made under an interim development order, the provisions of this section shall have effect in substitution for the provisions of the last foregoing section.

Compensation for abortive expenditure on refusal of permission for other development authorised before appointed day.

77.—(1) Where an application is made under Part II of this Act within six months after the appointed day for permission to complete or carry out any buildings or works begun or contracted for before that day, and that permission is refused by the Minister, either on appeal or on the reference of the application to him for determination, or is so granted by the Minister subject to conditions, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown—

(a) that the buildings or works in question were begun or contracted for in conformity with the provisions of a planning scheme, or in accordance with permission granted, at any time before the twenty-second day of July, nineteen hundred and forty-three, by or under an interim development order; and

(b) that the applicant has incurred expenditure in carrying out work which is rendered abortive by the refusal or conditions, or has entered into a contract for any work which is abandoned in consequence thereof,

that authority shall pay to that person compensation equal to the expenditure so incurred or, as the case may be, to any sum reasonably paid by him in the discharge of any liability arising under the contract in respect of the abandonment of the work:

Provided that no account shall be taken for the purposes of this subsection of any expenditure incurred or sum paid in connection with the carrying out of works of improvement in respect of which compensation is payable under section fifty-four of this Act.

(2) For the purposes of the last foregoing subsection, any expenditure incurred in the preparation of plans for the purposes of any work or upon any similar matters preparatory
thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under the said subsection in respect of any work carried out before the following date, that is to say—

(a) where the building or work was authorised by permission granted under a planning scheme or by or under an interim development order, the date on which permission was so granted;

(b) where the building or work was otherwise begun or contracted for in conformity with a planning scheme, the date on which that scheme came into force.

(3) Any compensation payable under this section in respect of an interest in land shall be payable in addition to any compensation payable under Part II of this Act in respect of that interest in consequence of the refusal of the permission or the grant thereof subject to conditions:

Provided that no account shall be taken, in assessing the compensation payable as aforesaid under the said Part II (whether in respect of the compulsory acquisition of the said interest or otherwise), of the value of any works in respect of which compensation is payable under this section.

79.—(1) This section applies to land held by a local authority, being land which—

(a) is or is to be occupied and used by them for any express statutory purpose, not being any of the purposes of a statutory undertaking; or

(b) is held for the purposes of Part V of the Housing Act, 1936, or of the Housing (Rural Workers) Acts, 1926 to 1942, or is or forms part of a common, open space or fuel or field garden allotment,

and not being land to which the next following section applies.

(2) No compensation shall be paid by the Land Commission under Part IV of this Act to a local authority in respect of any interest in land which, on the appointed day, is land to which this section applies.
(3) No development charge shall be payable under Part V of this Act in respect of the carrying out of any operations on any land which, on the appointed day was, and at the time of the carrying out of the operations remains, land to which this section applies, and no development charge shall be payable under the said Part V in respect of the making of any use of any land to which this section applies during any period during which it remains land to which this section applies.

(4) If by reason of an appropriation, sale or lease, any land ceases to be land to which this section applies, no development charge shall be payable under the said Part V in respect of any development of the land for which planning permission had been granted under Part II of this Act at the time of the appropriation, sale or lease.

(5) Where any land to which this section applies is compulsorily acquired, under this or any other Act, then, in assessing the compensation payable in respect of the acquisition, it shall be assumed that planning permission would be granted under Part II of this Act for any development by virtue of which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land.

80.—(1) This section applies to land acquired or appropriated at any time by a local authority for the purposes of the development or re-development of any area as a whole (whether under Part III of this Act or the Act of 1944) and to land acquired by a development corporation under the New Towns Act, 1946.

(2) No compensation shall be paid by the Land Commission under Part IV of this Act to a local authority or development corporation in respect of any interest held by them on the appointed day in land to which this section applies.

(3) No development charge shall be payable under Part V of this Act in respect of the development by the local authority or development corporation of any land to which this section applies, or, where such land is disposed of by the local authority or corporation, in respect of any development for which, at the time of the disposal, permission has been granted under Part II of this Act.

(4) In respect of any such development as is mentioned in the last foregoing subsection, the local authority or development corporation shall from time to time pay to the Land Commission such sums, if any, in lieu of development charges, as the Minister may determine.
Provided that the Minister may, with the consent of the Treasury, direct the Land Commission to repay from time to time the whole or any part of any sums so paid.

(5) Any sums required by the Land Commission for the repayment of sums paid to them under the last foregoing subsection shall be defrayed out of moneys provided by Parliament.

81.—(1) No compensation shall be paid by the Land Commission under Part IV of this Act in respect of the interest of any statutory undertakers in land which, on the appointed day, is operational land.

(2) No development charge shall be payable under Part V of this Act in respect of the carrying out by any statutory undertakers of any operations on any land which on the appointed day was, and at the time of the carrying out of the operations remains, operational land, and no such charge shall be so payable in respect of the use of land which on the appointed day was operational land during any period during which it remains operational land.

(3) Where any land which on the appointed day was operational land ceases to be operational land, no development charge shall be payable under the said Part V in respect of—

(a) the use of that land for the purpose which prevails generally in the case of contiguous and adjacent land; and

(b) the carrying out of any operations necessary for the purpose of making that use of that land, if the use is instituted, or the operations carried out, as the case may be, within such period after the cessation as may be prescribed by regulations under this Act.

(4) Where any operational land of statutory undertakers is compulsorily acquired, under this or any other Act, under a notice to treat served on or after the appointed day then if the compensation payable in respect of the acquisition is assessed in accordance with section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, it shall be assumed—

(a) that planning permission would be granted under Part II of this Act for any development by virtue of which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land; and

(b) that no development charge would be payable under Part V of this Act in respect of any such development.
(5) Provision may be made by regulations made under this Act by the Minister and the Minister of Fuel and Power, with the consent of the Treasury, for applying the provisions of this section, in relation to the National Coal Board, and in relation to land of that Board of any such class as may be prescribed by the regulations, as if the Board were statutory undertakers and as if land of any class so prescribed were operational land within the meaning of this Act.

82.—(1) This section applies to land held on charitable trusts or for ecclesiastical or other charitable purposes, being land used or to be used for religious worship or for a hospital, university, or school or for any other purpose of such a nature that there is no general demand or market for land for that purpose.

(2) No compensation shall be paid by the Land Commission under Part IV of this Act in respect of any interest in land which at the appointed day is land to which this section applies:

Provided that this subsection shall not apply to any reversionary interest in any such land.

(3) No development charge shall be payable under Part V of this Act in respect of the carrying out of any operations on any land which at the appointed day was, and at the time of the carrying out of the operations remains, land to which this section applies, and no development charge shall be payable under the said Part V in respect of the making of any use of land which at the appointed day was land to which this section applies during any period during which the land remains land to which this section applies.

(4) Where any land which on the appointed day was land to which this section applies ceases to be such land, no development charge shall be payable under Part V of this Act in respect of—

(a) the use of that land for the purpose which prevails generally in the case of contiguous and adjacent land; and

(b) the carrying out of any operations necessary for the purpose of making that use of that land, if the use is instituted, or the operations carried out, within such period after the cessation as may be prescribed by regulations under this Act.

(5) Where any land to which this section applies is compulsorily acquired, under this or any other Act, under a notice to treat served on or after the appointed day then, in assessing the compensation payable in respect of the acquisition it shall be assumed—
(a) that planning permission would be granted under Part II of this Act for any development by virtue of which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous and adjacent land; and

(b) that no development charge would be payable under Part V of this Act in respect of any such development.

83. No restrictions imposed under Part II of this Act in relation to the development or use of land, and no powers exercisable under that Part in relation to any such development or use, shall apply or be exercisable in relation to the development or use of Crown land, that is to say land belonging to His Majesty in right of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall or belonging to a government department or held in trust for His Majesty for the purposes of a government department:

Provided that notwithstanding anything in this section, any such restrictions as aforesaid shall apply, and any such powers as aforesaid shall be exercisable, in relation to the development or use of any such land as aforesaid by any subject of the realm deriving his title from the Crown, so long as any interest of the Crown in the land is not affected thereby.

84.—(1) Where any land which is requisitioned land on the appointed day is compulsorily acquired under this or any other Act in such circumstances that Part VIII of the Requisitioned Land and War Works Act, 1945, applies to the acquisition, section forty-six of this Act shall have effect, in relation to the compensation payable in respect of the acquisition, as if for any reference in the Third Schedule to this Act to the appointed day there were substituted a reference to the beginning of the period of requisition:

Provided that where a payment in respect of the value of any building on the land has been made to a Minister under Part II of the said Act in pursuance of a report of the War Works Commission thereunder, the foregoing provisions of this subsection shall not apply in relation to that building.

(2) For the purposes of Part IV of this Act, the development value of any interest in land which is requisitioned land on the appointed day shall be calculated as if the land had been on that day in the state in which it was immediately before the beginning of the period of requisition, and accordingly any reference in subsection (2) of section fifty-one of this Act or in the Third Schedule to this Act to the appointed day shall be construed as a reference to the beginning of the period of requisition.

(3) Where compensation falls to be paid under section fifty of this Act in respect of any interest in land which is requisitioned land on the appointed day, any payment in respect of
the value of any works on the land made to a Minister under
Part II of the Requisitioned Land and War Works Act, 1945,
in pursuance of a report of the War Works Commission, may
include such sum as that Commission may think just, not
exceeding the amount of the compensation payable under the
said section fifty, in respect of any increase in the value of the
interest in the land which is attributable to the carrying out of
the works.

(4) In this section the expression "requisitioned land" and
"period of requisition" have the same meanings as in the 10
War Damage Act, 1943.

Determination
of questions
under Part VI.

85. Any question whether land is land to which any section
in this Part of this Act (other than section eighty-one) applies
shall be determined by the Minister.

PART VII.
SUPPLEMENTAL.
Supplementary Provisions as to local planning authorities.

Default powers
of Minister.

86.—(1) If the Minister is satisfied, after holding a local
inquiry,—

(a) that the council of any county borough or county
district have failed to take steps for the acquisition
of any land which in the opinion of the Minister
ought to be acquired by that council under Part III
of this Act for the purpose of securing its use in the
manner proposed by the development plan or, during
the period before a development plan has been
approved or made under this Act with respect to the
area of that council, for the purpose of securing the
proper planning of that area; or

(b) that any local authority have failed to carry out, on
land acquired or appropriated by them under
Part III of this Act, any development which in the
opinion of the Minister ought to be carried out;

the Minister may by order require the council or authority to
take such steps as may be specified in the order for acquiring
the land or carrying out the development, as the case may be.

(2) Any order under this section shall be enforceable, on
the application of the Minister, by mandamus.

Transfer of
property and
officers to local
planning
authorities
under this Act.

87.—(1) Regulations under this Act may make such pro-
vision consequential on or supplementary to the provisions of
section four of this Act as appears to the Minister to be neces-
sary or expedient, and in particular, but without prejudice
to the generality of this section, such regulations may provide—

(a) for the transfer to local planning authorities of prop-
erty and liabilities of councils of county districts,
being property and liabilities held or incurred for
the purposes of the exercise, under the enactments
relating to town and country planning in force before
the appointed day, of functions corresponding with
the functions of local planning authorities under this
Act;

(b) for the transfer to local planning authorities of officers
employed by any such councils immediately before
the appointed day, being officers so employed solely
or mainly for the purposes of any such functions as
foresaid;

c) for enabling any proceedings pending on the
appointed day with respect to any such functions as
foresaid, or with respect to any property or liabili­
ties transferred by virtue of the regulations, to be
carried on by or against local planning authorities;

d) for the payment of compensation, subject to such
exceptions and conditions as may be prescribed by
the regulations, by such authorities as may be so
prescribed—

(i) to officers who, immediately before the
appointed day, were employed by local planning
authorities, or by any such councils as foresaid,
and who suffer loss of employment or loss or
diminution of emoluments which is attributable to
the provisions of the regulations; and

(ii) to officers who, having before the appointed
day been employed in any such employment as
foresaid, would have been in that employment
immediately before that day but for any war service
in which they have been engaged;

e) for the making of adjustments between local planning
authorities and any such councils as foresaid in
relation to property and liabilities transferred by
virtue of the regulations, including the making of
payments by such authorities and councils; and

f) for the determination of questions arising in relation
to the matters foresaid.

(2) In this section the expression "officer" includes
servant, and the expression "war service" means service in
any of His Majesty's forces and such other employment as
may be prescribed by regulations made for the purposes of
this section.

Finances of Local Authorities.

88.—(1) Provision may be made by regulations made
under this Act with the consent of the Treasury for the pay-
ment by the Minister to local authorities of grants of such
Exchequer
} grants to local
Exchequer
} authorities in
Exchequer
} respect of
Exchequer
} acquisition
and clearance of land in re-development areas, etc.

amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations—

(a) in respect of capital expenditure incurred by those authorities, in the exercise of powers conferred in that behalf by this Act, in connection with the acquisition and clearing of land approved by the Minister for the purposes of the regulations, being land acquired for the re-development as a whole of areas of extensive war damage or areas of bad layout or obsolete development, or for the relocation of population or industry, or the replacement of open space, in the course of such re-development, or derelict land acquired for the purpose of bringing it into use;

(b) in respect of payments made to statutory undertakers in accordance with financial arrangements to which effect is given under paragraph (c) of subsection (2) of section twenty-six of the Act of 1944, being arrangements made in connection with the provision by those undertakers of services for any such purpose as aforesaid.

(2) For the purposes of this section, any expenditure incurred by a local authority before the passing of this Act, under powers in that behalf conferred by the Act of 1944, in the acquisition or clearing of any such land as is mentioned in the foregoing subsection shall be treated as incurred in the exercise of the corresponding powers conferred in that behalf by this Act, and no grant shall be payable under the Act of 1944 in respect of the acquisition or clearing of any such land.

(3) Regulations made under this section may provide for the payment of grants thereunder, in such cases and subject to such conditions as may be prescribed by or under the regulations, in respect of land appropriated by local authorities (whether before or after the passing of this Act) for any of the purposes specified in subsection (1) of this section as if the land had been acquired for those purposes at a cost of such amount, and defrayed in such manner, as may be determined by or under the regulations.

(4) Without prejudice to the generality of the foregoing provisions of this section, any regulations made thereunder may provide—

(a) for the inclusion in the expenditure incurred by local authorities in the acquisition of land for any of the purposes specified in subsection (1) of this section of any sums, or any part of sums, paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compen-
sation or by way of contribution towards damage or expense incurred in consequence of the restriction);

(b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made;

(c) for the payment of such grants at different rates in respect of different parts of the period during which they are payable;

(d) for the payment of such grants at different rates to different local authorities according to the general financial position of those authorities respectively, and to the financial burdens assumed by them respectively in respect of the matters specified in subsection (1) of this section.

(5) Grants payable under regulations made for the purposes of this section shall not exceed the following amounts:—

(a) in the case of land acquired for the re-development as a whole of areas of extensive war damage, or for the relocation of population or industry or the replacement of open space in the course of such re-development, an amount equal to ninety per cent. of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made;

(b) in the case of any other land, an amount equal to eighty per cent. of the said annual costs.

(6) Any expenses incurred by the Minister in the making of grants in accordance with regulations made under this section shall be defrayed out of moneys provided by Parliament.

(7) In this section the expression "derelict land" means land (not being land in an area of extensive war damage or an area of bad lay-out or obsolete development) which, by reason of the deterioration or obsolescence of buildings, the occurrence of war damage, or other circumstances, has become incapable of reasonably beneficial use in its existing state of development.

89.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment of grants to local planning authorities and other local authorities of grants of such amounts, and payable in such cases and subject to such conditions, as may be determined by or under the regulations—
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—cont.

(a) in respect of capital expenditure incurred by those authorities in the payment of compensation under Part II of this Act, other than compensation payable in respect of land compulsorily acquired by virtue of section sixteen of this Act;

(b) in respect of loss incurred by those authorities in connection with the acquisition and clearing of land approved by the Minister for the purposes of the regulations, other than such land as is mentioned in subsection (1) of the last foregoing section;

(c) in respect of payments made to statutory undertakers in accordance with financial arrangements to which effect is given under paragraph (c) of subsection (2) of section twenty-six of the Act of 1944, being arrangements made in connection with the provision of services for purposes for which any such land is acquired by those authorities as aforesaid.

(2) Paragraphs (a) and (d) of subsection (4) and subsection (6) of the last foregoing section shall apply in relation to regulations made under this section and to expenses incurred by the Minister in the making of grants under such regulations as they apply in relation to regulations made under the last foregoing section and to expenses incurred by the Minister in the making of grants under those regulations.

(3) Grants payable under regulations made for the purposes of this section shall not exceed an amount equal to sixty per cent. of the amount of the expenditure or loss in respect of which the grants are made.

90.—(1) It shall be a condition of the making of grants under Regulations made for the purposes of section eighty-eight of this Act, in respect of expenditure incurred by a local authority in connection with the acquisition and clearing of any land—

(a) that there shall have been submitted to the Minister such information as to the proposals of the local authority for the lay out and redevelopment of the land as the Minister may require in order to enable a comparison to be made between the annual return to the authority from the carrying out of the redevelopment and the annual equivalent of the cost thereof; and

(b) that those proposals shall have been approved by the Minister with the consent of the Treasury as being likely to result in an annual return and an annual equivalent such as are mentioned in the foregoing paragraph which are satisfactory in relation to one another having regard to the circumstances of the land and the requirements of a proper lay out and redevelopment.
(2) Any approval of the Minister required for the purposes of the payment of grant under section eighty-eight or section eighty-nine of this Act in connection with the acquisition of land may be given subject to compliance with requirements imposed by the Minister for securing that any negotiations for the acquisition of the land by the local authority will be carried out by the Valuation Office, and that any valuation of such land for the purposes of such acquisition or for any purposes of the regulations, will be made by that office.

(3) Subject to the foregoing provisions of this section any regulations made for the purposes of either of the two last foregoing sections may make provision whereby the payment of grants in pursuance of the regulations is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local authorities to whom grants have been so made to comply with such requirements as may be so determined.

91.—(1) Any local authority and any statutory undertakers, may contribute towards—

(a) any expenses incurred by a local planning authority, in or in connection with the carrying out of a survey or the preparation of a development plan under Part II of this Act;

(b) any expenses incurred by a local planning authority, or by the council of any county district, in or in connection with the performance of any of their other functions under Part II or Part III of this Act.

(2) For the purposes of the foregoing subsection, contributions made by a local planning authority towards the expenditure of a joint planning board or joint planning committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the board or committee.

92.—(1) Where compensation falls to be paid by a local planning authority in consequence of anything done under Part II of this Act, then—

(a) any Minister may contribute towards the expenses so incurred by that authority such sum, if any, as appears to that Minister, with the concurrence of the Treasury, to be reasonable having regard to any special benefit secured in the national interest by the proceeding giving rise to the compensation;

(b) if it appears to the Minister that it is expedient so to do, he may require any local authority to contribute towards those expenses such sum as appears to him to be reasonable having regard to any benefit.
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PART VII.
—cont.

Expenses of local authorities and power to borrow.

(2) The foregoing provisions of this section shall apply in relation to payments made by a local planning authority to any statutory undertakers in accordance with financial arrangements to which effect is given under paragraph (c) of subsection (2) of section twenty-six of the Act of 1944, as they apply in relation to compensation payable by such an authority in consequence of anything done under Part II of this Act, and references in those provisions to the proceeding giving rise to the compensation shall be construed accordingly.

(3) Any expenses incurred by a Minister under this section shall be defrayed out of moneys provided by Parliament.

93.—(1) The council of any county may direct that any expenses incurred by them under this Act shall be treated as expenses for special county purposes chargeable upon such part of the county as may be specified in the directions.

(2) The purposes for which a local authority may borrow money shall include—

(a) the payment of expenses incurred under Part II of this Act in connection with the preparation of development plans, including the repayment of expenses required to be so repaid by that authority under section eight of this Act;

(b) the payment of any compensation payable by that authority under the said Part II or under Part VI of this Act;

(c) the payment by that authority of any contribution authorised or required under this Part of this Act to be paid by that authority towards expenditure incurred by any other local authority under this Act.

(3) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint planning board or joint planning committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the board or committee.

General Provisions.

94.—(1) Any person duly authorised in writing by a local authority may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with—

(a) the preparation by that authority of a development plan relating to the land under Part II of this Act or the carrying out of any survey for the purposes of the preparation of such a plan;
any application to that authority for permission to develop the land under the said Part II, or any proposal by that authority to revoke or modify such permission;

c) any proposal by that authority to serve an enforcement notice under the said Part II in respect of the land, or to make an order under section twenty-two of this Act in relation thereto;

d) any proposal by that authority to acquire the land under Part III of this Act;

e) any claim in respect of the land for compensation payable by that authority under Part II, Part III or Part VI of this Act.

(2) Any person being an officer of the Valuation Office or of the Land Commission may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with—

(a) any proposal by a Minister, by the Land Commission, or by any local authority, to acquire that or any other land under Part III of this Act;

(b) any proposal by that authority to serve an enforcement notice under the said Part II in respect of the land, or to make an order under section twenty-two of this Act in relation thereto;

(c) any claim in respect of the land for compensation payable by that authority under Part II, Part III or Part VI of this Act.

(3) Any person authorised in that behalf in writing by any Minister having power to acquire land under Part III of this Act may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any proposal by that Minister to acquire that or any other land under the said Part III.

(4) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

(5) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding five pounds.

(6) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the performance of his duty, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.
(7) Where any land is damaged in the exercise of a power of entry conferred under this section, or in the making of any survey for the purpose of which any such power of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land—

(a) where the damage was caused by an officer of the Valuation Office or of the Land Commission, from the Minister; and

(b) where the damage was caused by a person authorised to enter on the land by a local authority or by a Minister, from that authority or Minister.

95.—(1) The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act; and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.

(2) The provisions of this Act and of any regulations made thereunder requiring the Minister to consider objections or representations, or to hold local inquiries or other hearings, in relation to any matter which he is authorised or required under this Act to determine shall not be construed as precluding the Minister from considering any other circumstances which appear to him to be material, or as restricting the right of the Minister to consult at any time with the local planning authority, or with any other authority or person (whether or not being one of the persons by whom such an objection or representation was made, or who were parties to any such inquiry or hearing) before determining that matter.

96.—(1) Subject to the provisions of this section any notice or other document required or authorised to be served or given under this Act may be served or given either—

(a) by delivering it to the person on whom it is to be served or to whom it is to be given; or

(b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address; or

(c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been furnished by that person, at that address; or

(d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company
(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice shall be deemed to be duly served if—

(a) being addressed to him either by name or by the description of "the owner" or "the occupier", as the case may be, of the premises (describing them) it is delivered or sent in the manner prescribed by paragraph (a), (b) or (c) of the last foregoing subsection; or

(b) being addressed as aforesaid and marked in such manner as may be prescribed by regulations under this Act for securing that it shall be plainly identifiable as a communication of importance, it is sent in a prepaid registered letter to the premises and is not returned to the authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interest in or being occupiers of, premises comprised in any land, and it appears to the authority required or authorised to serve or give the notice or other document that any of that part of that land is unoccupied, the notice shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has furnished that authority with an address for the service of the notice on him) if it is addressed to "the owners and any occupiers" of that part of the land (describing it), and is affixed conspicuously to some object on the land.

97.—(1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, with respect to notices served under that Act, where under this Act any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Ecclesiastical Commissioners.

(2) Any compensation payable under Part II, Part IV, or Part VI of this Act in respect of land which is ecclesiastical property shall be paid to the Ecclesiastical Commissioners to
PART VII. —cont.

Expenses of appeals tribunals.

Expenses of Ministers.

Determination of disputes as to compensation, etc.

98.—(1) The Minister may pay to any tribunal established for the purposes of Part II of this Act, or of regulations made thereunder, such remuneration (whether by way of salaries or by way of fees) and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as the Treasury may determine.

(2) Any expenses of the Minister under the last foregoing subsection shall be defrayed out of moneys provided by Parliament.

99. Any expenses incurred by a Minister in the acquisition of land under Part III of this Act, and any administrative expenses incurred by the Minister for the purposes of this Act, shall be defrayed out of moneys provided by Parliament.

100.—(1) Except so far as may be otherwise provided by regulations made under this Act, any question of disputed compensation under this Act shall be determined in the same manner as compensation on the acquisition of land falls to be determined under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections one, three, five, six and eight of that Act shall accordingly have effect subject to any necessary modifications and to the provisions of any such regulations as aforesaid.

(2) The Reference Committee under the said Act may make rules providing that claims under Part IV of this Act made by the same person, or in respect of the same land or neighbouring or adjoining land, shall be heard and determined by the same official arbitrator or shall be heard together.

(3) Any dispute arising under any provisions of this Act in relation to any land as to what is the use which
prevails generally in the case of contiguous and adjacent land shall, if application in that behalf is made by any party to the dispute within such time and in such manner as may be prescribed by regulations made under this Act, be referred to and determined by the Land Commission.

(4) Any party to any such dispute as aforesaid who is dissatisfied with the determination of the Land Commission may, within such time and in such manner as may be prescribed by regulations made under this Act, appeal to the Minister, whose decision shall be final.

101.—(1) Notwithstanding anything in any enactment, the Commissioners of Inland Revenue may furnish to the Land Commission such information relating to the duties paid or payable on the death of any person as the Commission may require for the purpose of the exercise of their functions under Part IV of this Act.

(2) The rating authority for any area shall furnish to the Land Commission such information relating to the valuation of any land or other property in their area as the Commission may require for the purpose of the exercise of their functions under this Act.

102.—(1) The Minister may make regulations for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which such regulations are authorised or required to be made by any other Minister, and in particular for prescribing anything which by this Act is required or authorised to be prescribed by regulations.

(2) Any regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power to make an order conferred by the foregoing provisions of this Act shall include power to amend or revoke that order by a subsequent order:

Provided that an order made by the Minister for the purposes of paragraph 4 of the Third Schedule to this Act shall not be amended or revoked at any time after the appointed day.

(4) Any power of any Minister under this Act to make regulations or orders, or to confirm orders, shall be exercised by statutory instrument.

103. For the avoidance of doubt it is hereby declared that where, under any provision of this Act, compensation payable in respect of any interest in land is required to be assessed on the assumption that planning permission under Part II of this
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—cont.

Amendments and repeals.

Act would be granted for development of any class, that assumption is to be made on the footing that any such development must comply with the provisions of any enactment, other than this Act, which would be applicable thereto.

104.—(1) Subject to the provisions of this section, the enactments specified in the first column of the Sixth Schedule to this Act shall have effect, on and after the appointed day, subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the provisions of this Act.

(2) Subject to the provisions of this section, the enactments specified in the Seventh Schedule to this Act are hereby repealed as from the appointed day to the extent specified in relation thereto in the third column of that Schedule, and any agreement for restricting the planning development or use of land made under section thirty-four of the Act of 1932 with any such authority as is mentioned in subsection (2) of that section, or made, or having effect as if made, under any provision of a scheme under that Act with the responsible authority for the purposes of that scheme, shall cease to have effect on that day.

(3) The repeal or amendment by this Act of any enactment contained in the Act of 1944 which is applied by the New Towns Act, 1946, for the purposes of that Act shall not affect the operation of that enactment as so applied.

(4) Notwithstanding the repeal under this section of the Act of 1932, any scheme made under that Act, or under any enactment repealed by that Act, being a scheme which is in force immediately before the appointed day, shall, in so far as it relates to matters specified in the Eighth Schedule to this Act, continue in force until it is determined, in relation to that matter, by an order made by the Minister, and the provisions of that Act shall have effect in relation to any such scheme accordingly.

(5) Where any order made under the last foregoing subsection provides for the dissolution of any joint body constituted under a scheme, the order may provide for the transfer and compensation of officers of that body.

(6) Any order made by the Minister under the last foregoing subsection may make such provision as the Minister considers expedient for winding up the scheme, including provision for the dissolution of any joint body constituted by the scheme as the responsible authority thereunder, and for the transfer to such authorities as may be prescribed by the order of officers, property, rights and liabilities of any such authority.
(7) Notwithstanding the repeal under this section of the Restriction of Ribbon Development (Temporary Development) Act, 1943, an Order in Council may be made under subsection (6) of section one of that Act for appointing the date on which the present war period within the meaning of that Act is to end.

(8) Notwithstanding the repeal under this section of section eight of the Town and Country Planning (Interim Development) Act, 1943, any order made by an interim development authority under that section for the preservation of trees and woodlands pending the coming into operation of a scheme under the Act of 1932, being an order which is in force immediately before the appointed day, shall, so far as is consistent with the provisions of section twenty-four of this Act, continue in force and have effect as if it had been made by the local planning authority under that section, and as if for references therein to the interim development authority there were substituted references to the local planning authority; and any such order may be amended or revoked under this Act accordingly.

(9) Notwithstanding the repeal under this section of section seventeen of the Act of 1932 and sections forty-two and forty-three of the Act of 1944—

(a) any order made by a local planning authority or by the council of any county district under the said section seventeen which is in force immediately before the appointed day shall, so far as is consistent with the provisions of section twenty-five of this Act, continue in force and have effect as if it had been made by the local planning authority under that section; and any such order may be amended or revoked under this Act accordingly;

(b) any list compiled or approved by the Minister under the said section forty-two before the appointed day shall continue in force and have effect as if it had been compiled or approved by him under section twenty-six of this Act, and may be amended under that section accordingly.

105.—(1) The local planning authority for the administrative county of London shall be the London County Council, and subsection (2) of section four of this Act shall not apply to the area of that council.

(2) In relation to land in the administrative county of London, sections sixteen, thirty-six and thirty-seven of this Act shall have effect as if for references therein to the council...
of the county borough or county district in which the land is
situated there were substituted references—

(a) in the case of land in the City of London, to the
Common Council of that City;

(b) in the case of any other land, to the London County
Council,

and section thirty-eight of this Act shall have effect as if the
reference therein to the council of any county borough or
county district included a reference to the Common Council of
the City of London and to the council of any metropolitan

(3) In relation to land in the administrative county of
London section forty-four of this Act shall have effect as if
for the reference therein to section one hundred and sixty­
three of the Local Government Act, 1933, there were sub­
stituted a reference to section one hundred and six of the
London Government Act, 1939, and the Second Schedule to
this Act shall have effect as if there were included therein a
reference to section one hundred and forty of the Public

(4) Without prejudice to the power of the London County
Council to authorise any committee established under the
First Schedule to this Act to exercise any functions on their
behalf, that council may delegate, in the case of land in the
City of London to the Common Council of that City, and in
the case of land in a metropolitan borough to the council of
that borough, any of their functions under regulations made
under section twenty-seven of this Act with respect to the
control of advertisements, and any arrangements made with
respect to the administrative county of London under the
said First Schedule may include arrangements with respect
to the delegation of such functions accordingly.

(5) Arrangements made under the said First Schedule with
respect to the administrative county of London shall provide—

(a) for the establishment of a single planning committee
for the whole of the county, and of separate sub­
committees of that committee for the City of London
and for each metropolitan borough;

(b) for the inclusion among the members of the plan­
ing committee of representatives of the Common
Council of the City of London, and for the inclusion,
among the members of the sub-committee established
for the City of London and for each metropolitan
borough, of members of the Common Council of
the City, or of the council of that borough, as the
case may be.
(6) Without prejudice to the provisions of the last foregoing subsection, the London County Council shall—

(a) before submitting to the Minister a development plan for any land in the area of a metropolitan borough, or proposals for alterations or additions to any such plan;

(b) before determining any application for planning permission for the development of any such land, being an application of any such class as may be prescribed by the development order;

(c) before making a tree preservation order or a building preservation order affecting any such land, consult with the council of that borough.

106.—(1) In this Act, except so far as the contrary is provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:

"Act of 1932" means the Town and Country Planning Act, 1932;

"Act of 1944" means the Town and Country Planning Act, 1944;

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

"agriculture" includes horticulture, fruit growing, dairy farming, livestock breeding, poultry keeping, bee keeping, and the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds;

"appointed day" means such day as the Minister may by order appoint;

"appropriate Minister", means—

(a) in relation to statutory undertakers carrying on an undertaking for the supply of electri-
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(b) in relation to statutory undertakers carrying on an undertaking for the supply of water, the Minister of Health; and

(c) in relation to any other statutory undertakers as defined by this Act, the Minister of Transport.

"area of extensive war damage" and "area of bad lay-out or obsolete development" mean an area comprising land shown to the satisfaction of the Minister to have sustained war damage or, as the case may be, to be badly laid out or of obsolete development, whether with or without other land contiguous or adjacent thereto, being an area which in the opinion of the Minister requires to be laid out afresh and redeveloped as a whole;

"building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

"buildings or works" includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

"building operations" does not include works of decoration, maintenance, or alteration affecting only the interior of buildings, but except as aforesaid includes rebuilding operations, structural alterations of or additions to buildings, and other works materially affecting the design or external appearance of buildings;

"building preservation order" has the meaning assigned to it by section twenty-five of this Act;

"clearing", in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation thereto as may be prescribed by regulations made for the purposes of this Act;

"common", "open space" and "fuel or field garden allotment" have the same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946;

"Consolidated Fund" means the Consolidated Fund of the United Kingdom, and includes the growing produce thereof;
"development" and "develop" have the meaning assigned to them by section nine of this Act;

"development order" has the meaning assigned thereto by section ten of this Act;

"development plan" has the meaning assigned to it by section five of this Act, and includes a plan made under subsection (6) of that section;

"enactment" includes a local Act and an order or by-law made under any Act;

"engineering operations" includes the making of excavations and the formation or laying out of means access to highways;

"erection" in relation to buildings includes extension, alteration and re-erection;

"functions" includes powers and duties;

"land" means any corporeal hereditament, including a building as defined by this section, and in relation to the acquisition of land under Part III of this Act includes any interest in land;

"lease" includes an under-lease and an agreement for a lease or under-lease, but does not include an option to take a lease or a mortgage, and "leasehold interest" means the interest of the tenant under a lease as so defined;

"local authority" has the same meaning as in the Acquisition of Land (Authorisation Procedure) Act, 1946;

"local highway authority" means a highway authority other than the Minister of Transport;

"local planning authority" has the meaning assigned to it by section four of this Act;

"means of access" includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

"Minister" includes the Treasury, the Admiralty, the Board of Trade and any other government department;

"the Minister" has the meaning assigned to it by section one of this Act;

"mortgage" includes any charge or lien on any property for securing money or moneys worth;
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—cont.

"National Coal Board" means the National Coal Board established under the Coal Industry Nationalisation Act, 1946;

"National Trust" means The National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907;

"operational land" has the meaning assigned to it by section thirty of this Act;

"owner" in relation to any land, means, except in Part IV of this Act, a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let, and, in Part IV of this Act, has the meaning assigned to it by section sixty-three of this Act;

"permission granted for a limited period only" has the meaning assigned to it by section eleven of this Act;

"planning permission" means the permission for development which is required by virtue of section nine of this Act;

"planning scheme" means a scheme under the Act of 1932 or any enactment repealed by that Act;

"purchase notice" has the meaning assigned to it by section sixteen of this Act;

"relocation of population or industry" means, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, the rendering available elsewhere than in that area, whether in an existing community or a community to be newly established, of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof;

"replacement of open space" means, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, the rendering of land
available for use as an open space or otherwise in an undeveloped state in substitution for land in that area which is so used;

"statutory undertakers" means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and "statutory undertaking" shall be construed accordingly;

"tree preservation order" has the meaning assigned to it by section twenty-four of this Act;

"use", in relation to land, does not include the use of land by the carrying out of any building or other operations thereon;

"Valuation Office" means the Valuation Office of the Inland Revenue Department;

"war damage" has the same meaning as in the War Damage Act, 1943.

(2) If any question arises, in relation to anything required or authorised to be done under this Act, which Minister was or is the appropriate Minister as defined by this section in relation to any statutory undertakers, that question shall be determined by the Treasury.

(3) Subject to the provisions of the Building Restrictions (War-Time Contraventions) Act, 1946, in any case to which that Act applies, works on land shall be deemed for the purposes of this Act to have been carried out, and uses of land shall be deemed for those purposes to have been begun, in contravention of previous planning control—

(a) where at the material time the land was subject to a resolution to prepare a planning scheme, if they were carried out or begun otherwise than in accordance with permission granted in that behalf by or under the interim development order;

(b) where at the material time the land was subject to such a scheme, if they were carried out or begun otherwise than in conformity with the provisions of the scheme.

(4) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of the Sixth Schedule to the Act of 1944, or of any other enactment, is to be deemed to be served.
References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including, except where the context otherwise requires, this Act.

107.—(1) This Act may be cited as the Town and Country Planning Act, 1946.

(2) This Act (except section two thereof) shall not extend to Scotland.

(3) This Act shall not extend to Northern Ireland.
FIRST SCHEDULE.

LOCAL ADMINISTRATION.

PART I.

JOINT PLANNING BOARDS.

1. A joint planning board constituted by an order made under section four of this Act shall consist of such number of members as may be determined by the order, to be appointed by the constituent councils.

2. A joint planning board so constituted shall be a body corporate, with perpetual succession and a common seal and power to hold land for the purposes of their functions without licence in mortmain.

3. An order constituting a joint planning board—
   (a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933 (which authorise the application of the provisions of that Act to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board and for the payment of the expenses of the board by the constituent councils;
   (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and apportionment of liabilities;
   (c) may contain such other provisions as appear to the Minister to be expedient for enabling the board to exercise their functions; and
   (d) may apply to the board, with any necessary modifications and adaptations, any of the provisions of Parts II and III of this Schedule.

PART II.

PLANNING COMMITTEES.

1. A local planning authority may establish such planning committees as they think expedient for the efficient discharge of their functions under this Act.

2. Every such planning committee shall be constituted in such manner as the local planning authority may determine, but a majority of the members of the committee shall be members of the local planning authority.
(5) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including, except where the context otherwise requires, this Act.

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2. Every such planning committee shall be constituted in such manner as the local planning authority may determine, but a majority of the members of the committee shall be members of the local planning authority.
3. Any such planning committee may be established as aforesaid either for the purpose of advising the local planning authority or reporting to that authority in respect of the exercise by that authority of any of their functions under this Act or for the purpose of exercising on behalf of that authority any of those functions, except the power to borrow money or raise a rate.

4. The minutes of proceedings of a planning committee of a local planning authority shall be open to the inspection of any local government elector for the area on payment of a fee not exceeding one shilling, and any such local government elector may make a copy of thereof or extract therefrom.

5. Any planning committee of a local planning authority may, subject to any restrictions imposed by that authority, and shall if so required by that authority—

(a) establish such sub-committees as the committee or the local planning authority may determine; and

(b) authorise any such sub-committee to exercise on their behalf any functions of the planning committee,

and any such sub-committee shall be constituted in such manner as may be determined (subject to any such restrictions as aforesaid) by the planning committee, or by the local planning authority, but a majority of the members of any such sub-committee shall be members of the local planning authority or of a local authority for any area forming part of the area of the local planning authority.

6. Any two or more local planning authorities may, with the approval of the Minister, concur in establishing a joint planning committee for any purpose specified in paragraph 3 of this Part of this Schedule, and in particular, but without prejudice to the generality of this provision, may concur in establishing regional advisory committees for the purpose of advising those authorities as to the preparation of development plans and generally as to the planning of development in their areas; and the foregoing provisions of this Part of this Schedule shall apply, subject to any necessary modifications, in relation to any such joint planning committee as they apply in relation to a planning committee not being a joint committee:

Provided that paragraph 2 of this Part of this Schedule shall be deemed to be complied with in the case of any such joint planning committee if more than one half of the members of the committee are members of any of the authorities for whom the committee is established.

7. If it appears to the Minister to be expedient that a joint planning committee of any two or more local planning authorities should be established in accordance with the last foregoing paragraph, he may, after consultation with those authorities, by order establish such a committee, and any such order may—

(a) provide for the reference to the committee of such matters as may be specified in the order;

(b) authorise the committee to exercise on behalf of the local planning authorities any of their functions under this Act except the power to borrow money or raise a rate; and
(c) make such incidental and consequential provisions (including provision for the payment of expenses of the committee and for the appointment and functions of sub-committees) as appear to the Minister to be expedient.

8. Any power conferred by this Schedule to establish and constitute committees (including sub-committees) or to authorise such committees to exercise any such functions shall include power to dissolve or alter the constitution of such committees, and to revoke or vary any such authorisation.

9. Any reference in the following provisions of this Schedule to a planning committee shall be construed as including a reference to a joint planning committee constituted under this Part of this Schedule.

PART III.

ADMINISTRATIVE ARRANGEMENTS.

15. Every local planning authority shall, in accordance with such directions as may from time to time be given in that behalf by the Minister, submit to the Minister arrangements for the exercise of their powers under Part II of this Schedule, and the Minister may by order approve any such arrangements either without modification or subject to such modifications as he considers expedient.

2. Any such arrangements as aforesaid shall make such provision for the establishment, constitution and the functions of committees (including sub-committees) of the local planning authority (or, as the case may be, for the dissolution or reorganisation of such committees or the variation of their functions) as appear to the Minister to be necessary or expedient for securing the efficient discharge of the functions of that authority under this Act.

3. Without prejudice to the generality of the last foregoing paragraph, arrangements made under this Part of this Schedule with respect to the area of any local planning authority not being the council of a county borough shall be such as, in the opinion of the Minister, are necessary or expedient for securing that the powers and duties of that authority are exercised with due regard to the circumstances affecting the different parts of their area, and any such arrangements may, in particular, provide—

(a) for the establishment of separate committees or sub-committees for different parts of the area of the local planning authority;

(b) for the inclusion among the members of any such committee or sub-committee of members of councils of county districts comprising land in the area for which the committee or sub-committee is appointed, and, in a case where any such land has been designated under the New Towns Act, 1946, as the site of a new town, of members of the development corporation established under that Act for the purposes of the new town;

(c) for the exercise by any such committee or sub-committee on behalf of the local planning authority of all or any of the functions of that authority under Part II of this Act with respect to the development of land within the said area.
4. If within the time prescribed by directions of the Minister as aforesaid no such arrangements as aforesaid have been submitted to him by any local planning authority, the Minister may by order make such arrangements for the area of that authority as he considers expedient.

5. Where arrangements have been approved or made by the Minister under this Part of this Schedule, it shall be the duty of the local planning authority to give effect thereto in accordance with such directions as may be given by the Minister; and if any such directions are not complied with, the Minister may by order make such provision (including provision for the appointment of members of committees or sub-committees of the local planning authority) as he considers expedient for giving effect to those arrangements.

SECOND SCHEDULE.

EXCEPTED ENACTMENTS FOR THE PURPOSES OF SECTION 10.

The Public Health (Buildings in Streets) Act, 1888;
Sections thirty to thirty-four of the Public Health Act, 1925;
Section five of the Roads Improvement Act, 1925;
Section one hundred and seven of the Public Health Act, 1936;
Any enactment making such provision as might by virtue of any Act of Parliament have been made in relation to the area to which the order applies by means of a bye-law, order or regulation not requiring confirmation by Parliament;
Any enactment which has been previously suspended by any development order, and any enactment having substantially the same effect as any such enactment.

THIRD SCHEDULE.

CLASSES OF DEVELOPMENT EXCEPTED FROM PAYMENT OF DEVELOPMENT CHARGE.

1. The rebuilding, as often as occasion may require, of any building which was in existence on the appointed day and of any building which was in existence before that day but has been destroyed or demolished in consequence of war damage, so long as the cubic content of the original building is not exceeded by more than one-tenth.

2. The enlargement, improvement or other alteration, as often as occasion may require, of any such building as is mentioned in paragraph 1 of this Schedule, or any building substituted therefor by the carrying out of any such operations as are mentioned in that paragraph, so long as the cubic content of the original building is not increased or exceeded by more than one-tenth.
3. The carrying out, on land which was used for the purposes of agriculture on the appointed day, of any building or other operations required for the purposes of that use, other than operations for the erection, enlargement, improvement or alteration of dwelling-houses.

4. In the case of a building or other land which, before the appointed day, was used for a purpose falling within any general class specified in an order made by the Minister for the purposes of this paragraph, the use of that building or land for any other purpose falling within the same general class.

5. In the case of any building or other land which, on the appointed day, was in the occupation of a person by whom it was used as to part only for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on the appointed day or, as the case may be, one tenth of the area of the land so used on that day.

6. In the case of any land which, on the appointed day, was being used for the deposit of waste materials or refuse in connection with the working of minerals, the use for that purpose of any additional part of the land so far as may be reasonably required in connection with the working of those minerals.

FOURTH SCHEDULE.

PROVISIONS RELATING TO COMPENSATION UNDER PART II.

1. Where a decision or order under Part II of this Act giving rise to a claim for compensation under this Act is given or made during the period of five years beginning with the seventeenth day of November, nineteen hundred and forty-four, section fifty-seven of the Act of 1944 (which provides for the assessment of compensation in connection with the acquisition of land for public purposes by reference to 1939 prices) shall have effect in relation to any compensation payable as aforesaid as if it were compensation under section sixty-eight of the Lands Clauses Consolidation Act, 1845, for damage sustained, during the said period, by reason of the land being injuriously affected by the execution of works upon other land acquired by a government department in pursuance of a notice to treat served during that period.

2. Where the compensation payable as aforesaid in respect of an interest in land is assessed in accordance with the foregoing paragraph, the provisions of sections fifty-eight, fifty-nine and sixty of the Act of 1944 (which provide for supplements to compensation assessed under section fifty-seven of that Act) shall have effect as if the compensation were compensation for a purchase by the local planning authority or by the Minister of the interest in question, and were assessed subject to the rules set out in subsection (1) of the said section fifty-seven, and as if notice to treat for the purchase of that interest had been served at the time when the order giving rise to the claim comes into operation.
3. Where any such decision or order as is mentioned in paragraph 1 of this Schedule is given or made before the expiration of two years from the end of the war period as defined by section forty of the Requisitioned Land and War Works Act, 1945 (in this paragraph referred to as "the Act of 1945"), Part VIII of that Act (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers) shall apply in relation to any such compensation as aforesaid as it applies in relation to compensation payable on the acquisition of an easement over land by virtue of Part II of the Act of 1945:

Provided that for the purposes of this paragraph—

(a) subsection (5) of section forty-one of the Act of 1945 shall have effect as if paragraph (a) thereof were omitted; and

(b) the reference in subsection (7) of that section to Part II of the Act of 1944 shall be construed as a reference to sections fifty-eight to sixty of that Act as applied by this Schedule.

4. For the purpose of assessing any such compensation as aforesaid which is payable in respect of the diminution in the value of any interest in land, section two of the Acquisition of Land (Assessment of Compensation) Act, 1919 (which prescribed rules for the assessment of compensation by an official arbitrator) shall, so far as it is applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

6. Where any interest in land is subject to a mortgage—

(a) any compensation as aforesaid which is payable in respect of the diminution in the value of that interest shall be assessed as if the interest were not subject to the mortgage;

(b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;

(c) a mortgagee shall not be entitled to claim any such compensation in respect of his interest as such; and

(d) the compensation payable in respect of the interest subject to the mortgage may be paid by the local planning authority to such of the claimants as they think proper, and shall be applied by that claimant in such manner as the parties interested may agree or, in default of such agreement, as may be determined by arbitration.

7. Any compensation payable to any person in respect of action taken for the purpose of complying with any such order as is mentioned in paragraph 1 of this Schedule shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with that order.
SPECIAL PROVISIONS RELATING TO DEVELOPMENT BY STATUTORY UNDERTAKERS.

1.—(1) Where an application for permission to develop operational land, made by the person carrying on a statutory undertaking, is referred to the Minister under Part II of this Act in pursuance of directions given by the Minister or an appeal is made to the Minister under that Part from the decision of the local planning authority on such an application, the application or appeal shall be dealt with by the Minister and the appropriate Minister:

Provided that where, under the enactments regulating the carrying on of the statutory undertaking, the sanction of a government department or of the Electricity Commissioners is required for the carrying out of the development in question, or for the borrowing or application of moneys to defray the cost thereof, the Minister and the appropriate Minister shall not be required to deal with the application or appeal until that sanction has been obtained.

(2) Where, upon any such application or appeal, the Minister and the appropriate Minister propose to refuse permission or to grant permission subject to conditions, they shall notify to the person carrying on the undertaking the decision which they propose to give, and if within twenty-eight days from the date on which he receives the notification that person makes application to the appropriate Minister in that behalf, the decision shall be embodied in an order made by the Minister and the appropriate Minister, and any such order shall be subject to special parliamentary procedure.

(3) In respect of any decision given under this paragraph refusing permission to develop operational land, or granting such permission subject to conditions, the person carrying on the statutory undertaking shall be entitled to recover compensation from the local planning authority in accordance with the Fourth Schedule to the Act of 1944:

[Provided that if the Minister and the appropriate Minister are satisfied, having regard to the nature, situation and existing development of the land and of any neighbouring land, and to any other material considerations, that it is unreasonable that compensation should be so recovered in respect of the decision, they may include therein a direction that the foregoing provisions of this sub-paragraph shall not apply in relation to that decision.]

(4) Notwithstanding anything in Part II of this Act, permission to develop operational land shall not be granted under this paragraph subject to conditions requiring that any buildings or works authorised by the permission shall be removed, or that any use of the land so authorised shall be discontinued, at the expiration of a specified period.

(5) The provisions of this Act shall apply to an application which is dealt with under this paragraph by the Minister and the appropriate Minister as if it had been dealt with by the Minister.
2.—(1) The provisions of Part II of this Act with respect to the revocation and modification of permission to develop land shall have effect, in relation to any permission granted, on an application made by the person carrying on a statutory undertaking, for the development of operational land, as if for any reference therein to the Minister there were substituted a reference to the Minister and the appropriate Minister.

(2) Where the Minister and the appropriate Minister propose to confirm or make an order under section eighteen of this Act, as modified by this paragraph, they shall notify to the person carrying on the statutory undertaking the fact that they so propose, and shall afford him an opportunity of objecting to the proposal; and if any objection is so made by that person and is not withdrawn, the order shall be subject to special parliamentary procedure.

(3) In relation to any order made by the Minister and the appropriate Minister under the said section eighteen as modified by this paragraph, sub-paragraph (3) of the last foregoing paragraph shall apply as it applies to a decision given under that paragraph refusing permission to develop operational land, or granting such permission subject to conditions, and references in the said sub-paragraph (3) to a decision under that paragraph shall accordingly include references to any such order as aforesaid.

(4) Section twenty-seven of the Act of 1944 (which, as amended by this Act, provides for the relief of statutory undertakers from obligations rendered impracticable by the compulsory acquisition under Part III of this Act of land of those undertakers) shall apply in relation to any obligations of statutory undertakers the fulfilment of which is rendered impracticable—

(a) by a decision given under this Schedule on an application for permission to develop operational land or on an appeal relating to such an application;
(b) by the revocation or modification under section eighteen of this Act, as modified by this Schedule of permission to develop such land;

(c) by any requirement imposed in relation to the land by an order made under section twenty-two of this Act as modified by this Schedule, as it applies in relation to obligations rendered impracticable as mentioned in subsection (1) of the said section twenty-seven.

SIXTH SCHEDULE.

Enactments Amended.

The Roads Improvement Act, 1925, 15 & 16 Geo. 5. c. 68.

In section five, in the proviso to subsection (1) for the words from "local authority for every district" to the words "interim development of that land" there shall be substituted the words "local planning authority within the meaning of the Town and Country Planning Act, 1946".

The Trunk Roads Act, 1936; 1 Edw. 8 and 1 Geo. 6. c. 6.

In section four, for subsection (1) there shall be substituted the following subsection:

"(1) In this section, and in the Fourth Schedule to this Act, the expression 'the authority' means, in relation to a trunk road, the council of the county, county borough or metropolitan borough in which the road is situated:

Provided that where the road is situated within a non county borough or an urban district and, immediately before the road became a trunk road either—

(a) the road was an unclassified road; or

(b) functions of maintenance were exercisable in relation to the road, under section thirty-two of the Local Government Act, 1929, by the council of the borough or district,

the said expression means that council."

In the Fourth Schedule, in paragraphs 6 and 7, for the words "sections thirteen to fifteen" there shall be substituted the words "sections thirteen and fourteen".

Town and Country Planning Act, 1944, 7 & 8 Geo. 6. c. 47.

In section nineteen, for the words "local planning authority" wherever those words occur there shall be substituted the words "local authority" and for the words "this Part of this Act" wherever those words occur there shall be substituted the words "Part III of the Town and Country Planning Act, 1946; and in subsection (8) for the words "section forty-two of this Act" there shall be substituted the words "section twenty-six of the Town and Country Planning Act, 1946."

In section twenty, for the words "local planning authority" wherever those words occur the shall be substituted the words "local authority" and for the words "this Part of this Act" wherever those words occur there shall be substituted the words "Part III of the Town and Country Planning Act, 1946."

In section twenty-two, in subsection (1) for the words "local planning or highway authority for the purposes of this Part of this Act whether done by the authority" there shall be substituted the words "local authority" for the purposes of Part III of the Town and Country Planning Act, 1946, or which has been acquired by the Land Commission thereunder, whether done by any such authority" and the words "by such an authority" in the first place where those words occur and the words "acquired by such an authority" shall be omitted; in subsections (2) and (4) for the words "local planning or highway authority" there shall be substituted the words "local authority"; and in subsection (3) for the words from "the terms of an interim development order" to the end of the subsection there shall be substituted the words "permission granted under Part II of the Town and Country Planning Act, 1946, and not otherwise."

In section twenty-four, in subsection (1) for the words "this Part of this Act" there shall be substituted the words "Part III of the Town and Country Planning Act, 1946."

In section twenty-five, for the words "local planning or highway authority" wherever those words occur there shall be substituted the words "local authority"; in subsection (1) for the words "this Part of this Act" there shall be substituted the words "Part III of the Town and Country Planning Act, 1946."
Enactment amended.

Amendments.

Town and Country Planning Act, 1946,” for the words “a Minister thereunder and is for the time being held for the purposes for which he” there shall be substituted the words “the Land Commission or a Minister thereunder and is for the time being held for the purposes for which the Commission or Minister”, and for the words “the authority or that Minister” there shall be substituted the words “the authority, Commission or Minister”; in subsections (2) and (3) after the word “authority” in both places where it occurs there shall be inserted the word “Commission”; and in subsection (5) after the words “a Minister” there shall be inserted the words “or the Land Commission” and after the word “he” in both places where it occurs there shall be inserted the words “or they” and after the words “a Minister and the appropriate Minister” there shall be inserted the words “or the Land Commission and the appropriate Minister”.

In section twenty-six for the words “this Part of this Act” wherever those words occur there shall be substituted the words “Part III of the Town and Country Planning Act, 1946”; in subsection (1) for the words “the local planning authority” there shall be substituted the words “local authority or Minister”, and for the words from “an interim development application” to the end of paragraph (b) there shall be substituted the words “on an application made under Part II of the Town and Country Planning Act, 1946, by a person carrying on the undertaking for permission to develop operational land or by the revocation or modification of permission granted on such an application”; in subsection (2) for the words “local planning authority” in paragraph (c) there shall be substituted the words “local authority or Minister”; and in subsection (5) for the words “local planning authority” in both places where those words occur there shall be substituted the words “local authority or Minister”.

In section twenty-seven, in subsection one for the words “this Part of this Act” there shall be substituted the words “Part III of the Town and Country Planning Act, 1946, and in subsection (5) for the words “section sixteen of this Act” there shall be substituted the words “Part IV of the First Schedule to
A.D. 1946, Enactment amended. Amendment.

Town and Country Planning Act, 1944, 7 & 8 Geo. 6, c. 47—cont.

the Acquisition of Land (Authorisation Procedure) Act, 1946, and for the words "such order as is mentioned in the said section sixteen" there shall be substituted the words "compulsory purchase order ".

In section twenty-eight, for the words "local planning or highway authority" wherever those words occur there shall be substituted the words "local authority" and for the words "this Part of this Act" wherever those words occur there shall be substituted the words "Part III of the Town and Country Planning Act, 1946"; and in subsections (1) and (4) after the words "or which has been acquired by" in both places where those words occur there shall be inserted the words "the Land Commission or" and for the words "by that authority or by any other person" there shall be substituted the words "or the Land Commission, by any such authority or by any other person ".

In section twenty-nine, for the words "local planning or highway authority" wherever those words occur there shall be substituted the words "local authority"; and in subsection (x) for the words "this Part of this Act" there shall be substituted the words "Part III of the Town and Country Planning Act, 1946," after the words "or which has been acquired by" there shall be inserted the words "the Land Commission or" and in paragraph (a) for the words "by that authority" there shall be substituted the words "or the Land Commission, by any such authority ".

In section thirty, for the words "local planning or highway authority" wherever those words occur there shall be substituted the words "local authority" and for the words "this Part of this Act" wherever those words occur there shall be substituted the words "Part III of the Town and Country Planning Act, 1946"; in subsection (4) after the words "or which has been acquired by" there shall be inserted the words "the Land Commission or"; and in subsection (5) for the words "or a Minister" there shall be substituted the words "the Land Commission or a Minister" and for the words "or Minister" there shall be substituted the words "Commission or Minister ".

...
Town and Country Planning Act, 1944, 7 & 8 Geo. 6. c. 47 — cont.

In section forty-seven, in subsection (1) for the words “local planning or highway authority or a county council” there shall be substituted the words “local authority” and for the words “this Part of this Act” there shall be substituted the words “Part III of the Town and Country Planning Act, 1946”.

In section forty-nine, for the words “this Act” in both places where those words occur there shall be substituted the words “the Town and Country Planning Act, 1946”.

In section sixty-five, in subsection (1) for the definition of “local planning authority” there shall be substituted the following definition:

“local authority” means the council of any county, county borough or county district, the Common Council of the City of London and the council of any metropolitan borough;

and for the definition of “purchasing authority” there shall be substituted the following definition:

“purchasing authority” includes the Land Commission and a Minister purchasing under Part III of the Town and Country Planning Act, 1946.”

In the Fourth Schedule for sub-paragraphs (a) (b) and (c) of paragraph one there shall be substituted the paragraphs—

“(a) in respect of any decision given under paragraph 1 of the Fifth Schedule to the Town and Country Planning Act, 1946, refusing permission to develop operational land or granting such permission subject to conditions;

(b) in respect of any order made under paragraph 2 of that Schedule revoking or modifying such permission;

(c) in respect of any order made under paragraph 3 of that Schedule in relation to such land;

(d) in respect of the extinguishment of any right, or the imposition of any requirement, under section twenty-five of this Act as applied for the purposes of Part III of the said Act;

(e) in respect of a compulsory purchase authorised under subsection (3) of section forty-five of the said Act.”
A.D. 1946.

Enactment amended.

In the Sixth Schedule, in sub-paragraph (2) of paragraph 1 for the words “section seventeen of this Act” there shall be substituted the words “subsection (2) of section thirty-seven of the Town and Country Planning Act, 1946,” and in sub-paragraph (4) of that paragraph for the words “Fifth Schedule to this Act” there shall be substituted the words “Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946”; in paragraph 2 and in sub-paragraphs (2) and (6) of paragraph 3 for the words “this Act” there shall be substituted the words “the Acquisition of Land (Authorisation Procedure) Act, 1946”; in paragraph 7 the words “or that subsection as applied by paragraph 3 of the Fourth Schedule to this Act” shall be omitted; in paragraph 8 for the words “Part I of this Act” there shall be substituted the words “the Acquisition of Land (Authorisation Procedure) Act, 1946”; and paragraph 12 shall be omitted.

In the Second Schedule, in paragraph 8 of Part III, for the words “section forty-two of the Town and Country Planning Act, 1944,” there shall be substituted the words “section twenty-six of the Town and Country Planning Act, 1946.”

In subsection (1) of section fifty-nine, for the definition of “local planning authority” there shall be substituted the following definition:

“‘local planning authority’ means the local planning authority within the meaning of the Town and Country Planning Act, 1946.”

In section five, in subsection (1) for the words “by whom functions are exercisable under section one and section two of the said Act” there shall be substituted the words “within the meaning of section four of the principal Act.”

In section seven, in subsection (1), for the definition of “authority responsible for enforcing planning control” there shall be substituted the following definition:

“‘authority responsible for enforcing planning control’ means, in relation to any works on land or use of land, the authority empowered by virtue of section...”
Enactments amended.
The Building Restrictions (War-Time Contraventions) Act, 1946, 9 & 10 Geo. 6. c. 35.
—cont.

Amendments.

A.D. 1946.

6TH SCH.
—cont.

In subsection (5) of the said section seven, for the words from "section thirteen" to the end of the subsection there shall be substituted the words "section seventy-three of the Town and Country Planning Act, 1946".

The Acquisition of Land (Authorisation Procedure) Act, 1946, 9 & 10 Geo. 6. c. 49.

In section three, in subsection (2) for the words "that is to say, the council specified in subsection (1) of section two of the Town and Country Planning Act, 1932" there shall be substituted the words "within the meaning of section four of the Town and Country Planning Act, 1946".

The New Towns Act, 1946, 9 & 10 Geo. 6. c. 68.

In section three, in subsection (1), for the words "section ten of the Town and Country Planning Act, 1932, a special interim development order" there shall be substituted the words "section ten of the Town and Country Planning Act, 1946, a special development order", and for the words "interim development authority" there shall be substituted the words "local planning authority".

In section six, in subsection (3), for the words "section forty-two of the Town and Country Planning Act, 1944" there shall be substituted the words "section twenty-six of the Town and Country Planning Act, 1946".
### SEVENTH SCHEDULE.

**ENACTMENTS REPEALED.**

<table>
<thead>
<tr>
<th>Session and Chapter.</th>
<th>Enactment repealed.</th>
<th>Extent of repeal.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Edw. 7. c. 27.</td>
<td>The Advertisements Regulation Act, 1907.</td>
<td>The whole Act.</td>
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<tr>
<td>[15 &amp; 16 Geo. 5. c. 68.</td>
<td>The Roads Improvement Act, 1925.</td>
<td>In section five, the proviso to subsection (7).]</td>
</tr>
<tr>
<td>21 &amp; 22 Geo. 5. c. 16.</td>
<td>The Ancient Monuments Act, 1931.</td>
<td>Section two.</td>
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<tr>
<td>7 Edw. 7. c. 53.</td>
<td>The Public Health Acts Amendment Act, 1907.</td>
<td>Section ninety-one.</td>
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<tr>
<td>15 &amp; 16 Geo. 5. c. 52.</td>
<td>The Advertisements Regulation Act, 1925.</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>18 &amp; 19 Geo. 5. c. 32.</td>
<td>The Petroleum (Consolidation) Act, 1928.</td>
<td>Section eleven.</td>
</tr>
<tr>
<td>25 &amp; 26 Geo. 5. c. 47.</td>
<td>The Restriction of Ribbon Development Act, 1935.</td>
<td>Sections one to twelve, in paragraph (a) of subsection (1) of section thirteen the words from “or which is for the time being” to the end of that paragraph, section fifteen, subsection (2) of section eighteen, subsections (2), (3) and (4) of section nineteen, subsection (1) of section twenty-three; subsection (1) of section twenty-four except the definitions of “building”, “land”, “Minister”, “proposed road”, “road” and “statutory undertakers” and subsection (2) of that section; and the First, Second and Third Schedules.</td>
</tr>
<tr>
<td>1 Edw. 8 and 1 Geo. 6. c. 5.</td>
<td>The Trunk Roads Act, 1936.</td>
<td>Subsections (2) to (5) of section four and paragraphs 1 to 5 and paragraph 8 of the Fourth Schedule.</td>
</tr>
<tr>
<td>[2 &amp; 3 Geo. 6. c. 22.</td>
<td>The Camps Act, 1939.</td>
<td>Subsection (2) of section three.]</td>
</tr>
<tr>
<td>Session and Chapter.</td>
<td>Enactment repealed.</td>
<td>Extent of repeal.</td>
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<tr>
<td>6 &amp; 7 Geo. 6.</td>
<td>The Restriction of Ribbon Development (Temporary Development) Act, 1943.</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>7 &amp; 8 Geo. 6. c. 47.</td>
<td>The Town and Country Planning Act, 1944.</td>
<td>Sections one to ten, [section eleven], sections twelve to eighteen, subsection (3) of section twenty, sections twenty-one and twenty-three, sections thirty-one to forty-six, sections [forty-eight], fifty to fifty-six, in subsection (1) of section sixty-five the definitions of &quot;clearing&quot;, &quot;first local advertisement&quot;, &quot;interim development application&quot;, &quot;interim development authority&quot;, &quot;loan charges&quot;, &quot;local highway authority&quot;, &quot;local planning authority&quot;, &quot;planning scheme&quot; and &quot;purchase order providing for expedited completion&quot;, sub-paragraphs (1) (a), (1) (b) and (1) (d) of paragraph 1 and sub-paragraph (a) of paragraph 3 of the First Schedule, and the Second, Third and Fifth Schedules.</td>
</tr>
<tr>
<td>9 &amp; 10 Geo. 6. c. 30.</td>
<td>The Trunk Roads Act, 1946.</td>
<td>In section three, the proviso to subsection (2) and subsection (3): in section four, in subsection (2) the words from &quot;and without prejudice&quot; to the end of the subsection: in section eight, subsection (5): in the Third Schedule, in the amendment of section four of the Trunk Roads Act, 1936, the words from the beginning to &quot;as the case may be&quot;; and in the Fourth Schedule, the modification of the said section four.</td>
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A.D. 1946.

7TH SCH.
—cont.

<table>
<thead>
<tr>
<th>Session and Chapter</th>
<th>Enactment repealed</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 &amp; 10 Geo. 6. c. 49.</td>
<td>The Acquisition of Land (Authorisation Procedure) Act, 1946.</td>
<td>Paragraph (c) of subsection (4) of section one; in section two, in subsection (1) the words &quot;or of the Town and Country Planning Act, 1944&quot;; in subsection (4) the words &quot;the Town and Country Planning Act, 1944&quot;, and subsection (6); in section three, subsection (5) and in subsection (6) the words &quot;or by the said section twenty-three&quot;; in section four, the proviso to subsection (1); and in the Second Schedule, in paragraph 9 the words &quot;or in subsection (4) of section eighteen of the Town and Country Planning Act, 1944.&quot;</td>
</tr>
<tr>
<td>9 &amp; 10 Geo. 6. c. 68.</td>
<td>The New Towns Act, 1946.</td>
<td>Subsections (3) and (4) of section three and the Third Schedule.</td>
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</table>

Section 104.

EIGHTH SCHEDULE.

MATTERS IN RESPECT OF WHICH PLANNING SCHEMES REMAIN IN FORCE.

The designation of responsible authorities, and the constitution of joint bodies as responsible authorities.

The preservation of trees and the protection of woodlands.

The control of advertisements in areas protected in respect of advertisements under section forty-seven of the Act of 1932.

The execution of street works, and the recovery of charges in respect thereof, by the responsible authority.
DRAFT OF A BILL

To make fresh provision for planning the development and use of land, for the grant of permission to develop land and for other powers of control over the use of land; to confer on local and central authorities additional powers in respect of the acquisition of land for planning and other purposes, and to amend the law relating to compensation in respect of the compulsory acquisition of land; to provide for the payment out of central funds of compensation in respect of depreciation occasioned by planning restrictions affecting new development, and for the payment by local planning authorities of compensation in respect of depreciation or loss occasioned by interference with existing developments; to secure the recovery for the benefit of the community of development charges imposed in respect of certain new development of land; and for purposes connected with the matters aforesaid.

CCCXXXVI—F (18)

26th November 1946