STATUTORY INSTRUMENTS

1963 No. 749

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Land Compensation Development Order 1963

Made - - - -	3*rd April* 1963
Laid before Parliament	9*th April* 1963
Coming into Operation	1*st May* 1963

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 14 of the Town and Country Planning Act 1962(a) and section 20 of the Land Compensation Act 1961(b) and of all other powers enabling him in that behalf, hereby makes the following order :—

Citation and Commencement

1. This order may be cited as the Land Compensation Development Order 1963 and shall come into operation on 1st May 1963.

Interpretation

2.—(1) In this order—

"the Act of 1961" means the Land Compensation Act 1961 ; and

"the parties directly concerned" has the meaning assigned to that expression by section 22 (1) of the Act of 1961.

(2) A section referred to by number in this order means the section so numbered in the Act of 1961.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Application for and issue of certificates

3.—(1) An application to a local planning authority for a certificate under section 17 shall be in writing and shall (as well as complying with the requirements of section 17 (3)) include a plan or map sufficient to identify the land to which the application relates.

(2) The time within which a certificate is to be issued by a local planning authority shall, subject to the provisions of section 17 (4), be two months of the receipt of such an application by them.

(3) If a local planning authority issue a certificate otherwise than for the class or classes of development specified in the application made to them, or contrary to representations in writing made to them by a party directly concerned, they shall in that certificate include a statement in writing of their reasons for so doing and give particulars of the manner in which and the time within which an appeal may be made to the Minister under section 18 and this order.

(4) The local planning authority shall send a copy of every certificate issued by them to the council of every county district, or metropolitan borough, in which is situated any part of the land to which the certificate relates and, where any part of that land is situated within the City of London, to the Common Council.

(a) 10 & 11 Eliz. 2. c. 38. (b) 9 & 10 Eliz. 2. c. 33. (c) 52 & 53 Vict. c. 63.

Appeals

4.—(1) The time for giving notice of an appeal under section 18 shall be within one month of the receipt of the certificate or of the expiry of the time or extended period mentioned in subsection (4) of that section, as the case may be.

(2) Notice of appeal shall be given in writing to the Minister, and a copy of such notice shall be sent by the appellant (*a*) to the local planning authority, and (*b*) to the other of the parties directly concerned.

(3) The appellant shall within one month of giving notice of appeal, or such longer period as the Minister may in any particular case allow, furnish to the Minister one copy of the application to the local planning authority, and of the certificate (if any) issued by the local planning authority, together with a statement of the grounds of appeal.

(4) If an appellant does not within the time limited under the last preceding paragraph furnish to the Minister the copies of the documents thereby required, the appeal shall be treated as withdrawn.

Information as to certificates, etc.

5. A local planning authority shall, on a request in writing by any person appearing to them to have an interest in land which is the subject of a certificate under section 17 or of an application for such a certificate, furnish to such person (*a*) the name and address of the applicant for the certificate and the date of the application, and (*b*) a copy of the certificate, if any.

Publication of general requirements

6. If a local planning authority on issuing a certificate specify conditions by reference to general requirements formulated by them under section 17 (6) the authority shall supply with such certificate and every copy thereof a copy of those requirements (or of so much thereof as is relevant to the certificate) unless, before the certificate is issued, the requirements in question have been made available to the public by depositing them for public inspection at all reasonable hours at the offices of the local planning authority and either at the offices of every council of a county district within the area of that authority or, in the case of London, at the offices of each metropolitan borough council and of the Common Council of the City of London.

Revocation

7. Articles 3 to 6 (which contain provisions relating to certificates under section 17) of the Town and Country Planning General Development Order 1959(**a**) are hereby revoked: Provided that any application for, any appeal against, or any request for information as to a certificate under section 17 which is outstanding at the coming into operation of this order shall have effect as if made and shall be dealt with under and in accordance with the provisions of this order.

Given under the official seal of the Minister of Housing and Local Government on 3rd April 1963.

(L.S.)

Keith Joseph,
Minister of Housing and Local Government.

(a) S.I. 1959/1286 (1959 II, p. 2630).

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order revokes and replaces part of the Town and Country Planning General Development Order 1959.

The order prescribes the procedure for obtaining, and for appealing against, certificates under section 17 of the Land Compensation Act 1961; for obtaining information as to such certificates; and for securing that where conditions in such certificates are specified by reference to general requirements copies of such requirements shall be supplied unless the requirements have been made public.

The provisions of the revoked part of the order are reproduced without any amendment of substance: references to the corresponding sections of the Land Compensation Act 1961 are substituted for references to repealed sections of the Town and Country Planning Act 1959 (7 & 8 Eliz. 2. c. 53).