1965 No. 434

LONDON GOVERNMENT

The London Government (Town and Country Planning) Order 1965

Made - - - -	11*th March* 1965
Laid before Parliament	19*th March* 1965
Coming into Operation—	
Articles 2, 5, 16	20*th March* 1965
Remainder	1*st April* 1965

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 84 of the London Government Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Title and commencement

1.—(1) This order may be cited as the London Government (Town and Country Planning) Order 1965.

(2) Articles 2, 5 and 16 of this Order shall come into operation on 20th March 1965 and the remaining articles shall come into operation on 1st April 1965.

Interpretation

2.—(1) The Interpretation Act 1889(b) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

" the Act " means the London Government Act 1963;

" the Act of 1962 " means the Town and Country Planning Act 1962(c);

" the appropriate London authority " means, in relation to any application under Part III of the Act of 1962, or any instrument made by, or action of, any authority, person or body, the authority in Greater London which, by virtue of section 24 of the Act or of regulations made by the Minister under that section, is on 1st April 1965 the local planning authority in relation to the area of Greater London and the class of development to which that application, instrument or action relates;

" the Common Council " means the Common Council of the City of London;

" development plan " means, in respect of any area outside Greater London, a development plan as defined in section 4 of the Act of 1962;

" existing " means existing immediately before 1st April 1965;

" existing authority ", in relation to any land in Greater London, means the council of the county, county borough, metropolitan borough or county

(a) 1963 c. 33.
(b) 52 & 53 Vict. c. 63.
(c) 10 & 11 Eliz. 2. c. 38.

district, as the case may be, within which the land was situate immediately before 1st April 1965, or the Common Council;

" the initial development plan " means the initial development plan for Greater London as defined in section 25(2) of the Act;

" land " has the same meaning as in the Act of 1962;

" the Minister " means the Minister of Housing and Local Government;

" the regulations of 1960 " means the Town and Country Planning (Control of Advertisements) Regulations 1960(a).

(3) In this order, any reference to an order, direction or agreement made or given by an existing authority before 1st April 1965 shall be construed as a reference to an order, direction or agreement to which the common seal of that authority has been affixed before that date.

(4) In this order, any reference to an order made by an existing authority shall be construed as including a reference to any notice or decision given thereunder.

(5) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment or by this order.

Transitional provisions for Greater London

3. In the initial development plan any designation, as land subject to compulsory acquisition by an existing authority, of land allocated by the plan for the purposes of any of their functions shall have effect with the substitution of a reference to the authority or authorities (as the case may be) to whom that function of the existing authority is transferred on 1st April 1965.

4. Any proposals under section 6 of the Act of 1962 for the amendment of an existing development plan relating to land in Greater London which have been submitted to the Minister before 1st April 1965 by an existing local planning authority and in respect of which no amendment of the relevant development plan has become operative before that date shall have effect as if they were proposals for the amendment of the initial development plan submitted by the Greater London Council.

5. As from the coming into operation of this article the Greater London Council, the Common Council or a London borough council shall be entitled at all reasonable times to inspect and take copies of all plans or documents relating to any land in their area which are in the possession or under the control of an existing authority for the purposes of or in connection with the Act of 1962 or the regulations of 1960 and the existing authority shall supply such information and afford such assistance for the purposes of or in connection with the Act of 1962 or the regulations of 1960 as the council may reasonably require.

6.—(1) Where an existing authority outside the county of Hertfordshire (not being a county council) is abolished by the Act on 1st April 1965, so much of any register as relates to land in the area of that authority shall be delivered on that date—

(*a*) in the case of an area specified in column (1) of the following table, to the clerk of the council of the London borough specified in respect of that area in column (2) of the said table;

(*b*) in any other case, to the clerk of the council of the London borough in which the land is situate,

(a) S.I. 1960/695 (1960 III, p. 3253).

and, subject to the provisions of this paragraph, such part shall in each case form part of the register for such London borough.

Where the clerk of the council of a London borough specified in column (2) of the following table has received part of a register as provided by this paragraph, he shall within one month after 1st April 1965 supply to the clerk of the council of the London borough specified, in respect of the first mentioned London borough, in column (3) of the said table such part of the register as relates to land in the said London borough specified in column (3) (or, if that is not practicable, copies of all the entries therein), and within one month after receipt of such part of the register or such copies the appropriate entry shall be made in the register kept by the council of the last mentioned London borough.

TABLE

(1)	(2)	(3)
The borough of Barking	The London borough of Barking	The London borough of Newham
The borough of Dagenham	The London borough of Barking	The London borough of Redbridge
The metropolitan borough of Woolwich	The London borough of Greenwich	The London borough of Newham
The urban district of Chislehurst and Sidcup	The London borough of Bexley	The London borough of Bromley

(2) A copy of every entry in any register kept by the council of the county of Hertfordshire which relates to land in the London borough of Barnet shall within one month after 1st April 1965 be supplied to the clerk of the council of the London borough, who shall, within one month after receipt thereof, make the appropriate entry in the register kept by the council of that London borough.

(3) So much of any register as relates to land in the existing urban district of Chigwell which is transferred to the London borough of Redbridge shall be delivered on 1st April 1965 by the clerk of the council of the urban district to the clerk of the council of the London borough and shall form part of the register for that London borough.

(4) In this article " register " means a register required to be kept either under section 19(4) of the Act of 1962 or under regulation 31 of the regulations of 1960, as the case may be.

7. Any application relating to land in Greater London for planning permission or for any consent or approval under the Act of 1962, or for a determination under section 43 of the Act of 1962, made to an existing local planning authority before 1st April 1965 and not determined by them before that date, shall be treated as having been made to the appropriate London authority on that date:

Provided that it shall not be necessary for such authority to consult with any authority, person or body with whom consultation has already taken place in relation to that application.

8.—(1) Any order made before 1st April 1965 by or on behalf of an existing local planning authority under section 29 of the Act of 1962 (Tree preservation orders), or having effect as if so made, which relates to land in Greater London shall have effect as if it had been made by the Common Council or by the council of the London borough in which the land is situate, as the case may be.

(2) Any order made before 1st April 1965 by the council of an existing county under section 30 of the Act of 1962 (Building preservation orders), or having effect as if so made, which relates to land in Greater London shall have effect as if it had been made by the Greater London Council.

(3) Any notice served before 1st April 1965 by an existing authority under section 52 of the Act of 1962 (Notice to enforce control in respect of listed buildings), or having effect as if so served, which relates to land in Greater London shall have effect—

(*a*) if it was served by the council of an existing county, as if it had been served by the Greater London Council;

(*b*) if it was served by the council of an existing county borough, as if it had been served by the council of the London borough in which the land is situate;

(*c*) if it was served, on behalf of the local planning authority, by the council of an existing metropolitan borough or county district or by the Common Council, as if it had been served by the Common Council or by the council of the London borough in which the land is situate, as the case may be.

(4) Any order made before 1st April 1965 by an existing authority under section 73 of the Act of 1962, or having effect as if so made, to appropriate land in Greater London shall have effect as if it had been made by the authority in whom the land is vested on 1st April 1965.

(5) Any order made before 1st April 1965 by the Minister under sections 30 and 207 of the Act of 1962, or having effect as if so made, which relates to land in Greater London shall have effect as if any reference to the council of an existing county were a reference to the Greater London Council and any reference to the council of an existing county borough were a reference to the council of the London borough in which the land is situate.

(6) Any agreement in respect of land in Greater London entered into by an existing authority in pursuance of their powers under section 34 of the Town and Country Planning Act 1932(a) (Power to enter into agreements restricting use of land) and in force immediately before 1st April 1965 shall have effect as if it had been entered into by the Common Council or by the council of the London borough in which the land to which the agreement relates is situate, as the case may be.

9. Subject to the provisions of articles 8 and 10 hereof, any order, direction, agreement, permission, approval, determination, consent, notice, proceeding or decision made, taken, given or served before 1st April 1965 in respect of land in Greater London by or on behalf of an existing local planning authority under the Act of 1962 (except Part II and sections 67, 68 and 69 thereof), or having effect as if so made, taken, given or served, shall have effect as if it had been made, taken, given or served by the appropriate London authority.

10. Any order or agreement made before 1st April 1965 in respect of land in Greater London by the council of an existing county borough, metropolitan borough or county district under section 30 (Building preservation orders) or 37 (Agreements regulating development or use of land) of the Act of 1962, or having effect as if so made, shall have effect as if it had been made by the council of the London borough in which the land to which it relates is situate.

11. Any purchase notice relating to land in a London borough served before 1st April 1965 on the London County Council or on the council of an

(a) 22 & 23 Geo. 5. c. 48.

existing county borough or county district under section 129, 135 or 136 of the Act of 1962 shall have effect as if it had been served on the council of the London borough in which the land is situate; and any notice relating to land in a London borough served before 1st April 1965 under section 130 of the Act of 1962 shall have effect as if it had been served by the council of the London borough in which the land is situate.

12. Any direction, approval, consent or decision given by the Minister or the Minister of Transport under or in pursuance of the Act of 1962 (except Part II thereof), or any enactment thereby repealed, to an existing authority as local planning authority which affects land in Greater London and is in force immediately before 1st April 1965 shall have effect as if it had been given to the appropriate London authority as local planning authority.

13.—(1) Any application for consent for the display of advertisements on land in Greater London or any claim for compensation in relation to advertisements formerly displayed on such land, made to an existing local planning authority under the regulations of 1960 before 1st April 1965 and not determined by them before that date, shall be treated as having been made to the Common Council or to the council of the London borough in which the land is situate, as the case may be:

Provided that, in the case of an application for consent, it shall not be necessary for such authority to consult with any authority, person or body with whom consultation has already taken place in relation to that application.

(2) Any order, direction, decision, consent, notice, acknowledgement or proceeding made, taken, given or served before 1st April 1965 in respect of land in Greater London by or on behalf of a local planning authority under the regulations of 1960, or having effect as if so made, taken, given or served, shall have effect as if it had been made, taken, given or served by the Common Council or by the council of the London borough in which the land is situate, as the case may be.

(3) Any direction or approval given by the Minister under the regulations of 1960, or any regulations revoked thereby, to an existing local planning authority affecting land in Greater London and in force immediately before 1st April 1965 shall have effect as if it had been given to the Common Council or to the council of the London borough in which the land is situate, as the case may be.

14. Any industrial development certificate under section 38 of the Act of 1962 issued in respect of land in any existing county borough, metropolitan borough or county district abolished by the Act or in the existing urban district of Chigwell shall continue on and after 1st April 1965 to have effect as if the Act had not been passed.

Transitional provisions for county districts transferred to Hertfordshire and Surrey

15.—(1) On and after 1st April 1965—

(*a*) the development plan for the county of Hertfordshire shall have effect as if the provisions of the existing development plan for the county of Middlesex in relation to land in the urban district of Potters Bar were contained therein, and

(*b*) the development plan for the county of Surrey shall have effect as if the provisions of the existing development plan for the county of Middlesex in relation to land in the urban districts of Staines and Sunbury-on-Thames were contained therein,

but any designation in the existing development plan for the county of Middlesex of land in the said urban districts as subject to compulsory acquisition by the council of the county of Middlesex shall have effect with the substitution of references to the council of the county of Hertfordshire or the council of the county of Surrey, as the case may be.

(2) Any proposals under section 6 of the Act of 1962 for the amendment of the existing development plan for the county of Middlesex which have been submitted before 1st April 1965 by the council of the county of Middlesex and in respect of which no amendment of the development plan has become operative before that date shall, so far as they relate to land in the urban district of Potters Bar, have effect as if they had been submitted by the council of the county of Hertfordshire and, so far as they relate to land in the urban districts of Staines and Sunbury-on-Thames, have effect as if they had been submitted by the council of the county of Surrey.

(3) The provisions of this article shall cease to have effect in relation to any area specified therein when an amendment of the development plan for the county of Hertfordshire or the development plan for the county of Surrey, as the case may be (other than an amendment made in pursuance of the proposals described in the last preceding paragraph), containing provisions in relation to land in the area, has been made by the Minister under section 6 of the Act of 1962 and has come into operation.

16. As from the coming into operation of this article the council of the county of Hertfordshire or the council of the county of Surrey, as the case may be, shall be entitled at all reasonable times to inspect and take copies of all plans or documents relating to any land in the urban district of Potters Bar or the urban districts of Staines and Sunbury-on-Thames which are in the possession or under the control of the council of the county of Middlesex for the purposes of or in connection with the Act of 1962 or the regulations of 1960 and the council of the county of Middlesex shall supply such information and afford such assistance for the purposes of or in connection with the Act of 1962 or the regulations of 1960 as the council of the county of Hertfordshire or the council of the county of Surrey may reasonably require.

17. Any application for planning permission or for any consent or approval under the Act of 1962, any application for a determination under section 43 of the Act of 1962, and any application for consent or approval or any claim for compensation under the regulations of 1960, made to the council of the county of Middlesex before 1st April 1965 and not determined by them before that date, shall, so far as it relates to any land in the urban district of Potters Bar, be treated as having been made on that date to the council of the county of Hertfordshire and, so far as it relates to any land in the urban districts of Staines and Sunbury-on-Thames, be treated as having been made on that date to the council of the county of Surrey:

Provided that it shall not be necessary for such council to consult with any authority, person or body with whom consultation has already taken place in relation to that application.

18. Any order, direction, agreement, permission, approval, determination, consent, notice, proceeding or decision made, taken, given or served before 1st April 1965 by or on behalf of the council of the county of Middlesex as local planning authority under the Act of 1962 (except Part II and sections 67, 68 and 69 thereof) or the regulations of 1960, or having effect as if so made, taken, given or served, shall, so far as it relates to any land in the urban district of Potters Bar, have effect as if it had been made, taken, given or served by the council of the county of Hertfordshire and, so far as it relates to any land

in the urban districts of Staines and Sunbury-on-Thames, have effect as if it had been made, taken, given or served by the council of the county of Surrey.

19. Any direction, approval, consent or decision given by the Minister or the Minister of Transport under or in pursuance of the Act of 1962 (except Part II thereof) or any enactment thereby repealed affecting the council of the county of Middlesex as local planning authority and in force immediately before 1st April 1965 shall, so far as it relates to any land in the urban district of Potters Bar, have effect as if it had been given to the council of the county of Hertfordshire and, so far as it relates to any land in the urban districts of Staines and Sunbury-on-Thames, have effect as if it had been given to the council of the county of Surrey.

Given under the official seal of the Minister of Housing and Local Government on 11th March 1965.

(L.S.)

R. H. S. Crossman,

Minister of Housing and Local Government.

EXPLANATORY NOTE

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

This order makes transitional provisions, consequential on the London Government Act 1963, in relation to development plans and the control of development under the Town and Country Planning Act 1962, and the control of advertisements under the Town and Country Planning (Control of Advertisements) Regulations 1960, in respect of Greater London and the urban districts of Potters Bar, Staines and Sunbury-on-Thames. These provisions are rendered necessary by the establishment of new local planning authorities in Greater London and by the transfer of the urban district of Potters Bar to the county of Hertfordshire and the urban districts of Staines and Sunbury-on-Thames to the county of Surrey.