4.—(1) A notice required to be served in pursuance of sub-section (3) of section three of the Act may be served in the manner specified in regulation three of these Regulations, or if the interim development authority are unable after reasonable inquiry to ascertain the name or address of the person upon whom it should be served, by addressing it to him by the description of " owner " or " occupier " of the premises (naming them) to which the revocation or modification relates, or of the premises (naming them) of which the owner or occupier will be affected by reason of his ownership or occupation, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

(2) Where service under paragraph (1) of this regulation is made by post the notice shall be sent by registered post.

5. A notice required to be served in pursuance of paragraph 1 of the Schedule to the Act may be served in the manner specified in regulation four of these regulations.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this tenth day of January, one thousand nine hundred and forty-five, in the presence of

(L.S.) *Ronald Green,*
Assistant Secretary.

Planning Schemes : Procedure

REGULATIONS, DATED 28TH SEPTEMBER, 1945, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE PLANNING ACTS (NORTHERN IRELAND), 1931 AND 1944.

1945. No. 110

The Ministry of Health and Local Government for Northern Ireland (in these Regulations referred to as the " Ministry "), in pursuance of the powers vested in it by the Planning Acts (Northern Ireland), 1931 and 1944, and of all other powers enabling it in that behalf, hereby makes the following Regulations :—

Title and Interpretation

1. These Regulations may be cited as the Planning Schemes (Procedure) Regulations (Northern Ireland), 1945.

2. (1) In these Regulations the following expressions, unless the context otherwise requires, have the meanings hereby assigned to them, that is to say :—

" Advertisement " means an advertisement published at least once during each of two successive weeks in a newspaper or newspapers circulating in the area of the Planning Authority.

" Certified Copy " means a copy certified by the Secretary or Clerk of the Planning Authority or any person duly authorised by the Planning Authority in that behalf as being a true copy.

" Interested Authority " means a Planning Authority whose area is contiguous to that of the Planning Authority promoting a Planning Scheme and the Council of any County, County or other Borough or Urban or Rural District or the Commissioners of a town, the whole or any part of whose district or area is proposed to be included in the Planning Scheme.

" Map " means a Map on a scale of not less than twenty-five inches to the mile, or such smaller scale as the Ministry may in any particular case, or class of cases approve, and includes a plan or series of Maps or plans.

" Planning Authority " means a local authority for the purpose of the Planning Acts (Northern Ireland), 1931 and 1944, and includes, where the case so requires, a Joint Committee appointed for such purposes.

" Planning Acts " means the Planning Acts (Northern Ireland), 1931 and 1944.

" Prescribed Date " means the twenty-fifth day of April, 1944, or where a Planning Authority has passed a resolution to plan prior to that date the date of such resolution.

" Prescribed Person " means :—

(*a*) Any Interested Authority.

(*b*) The Ministry of Finance where a Planning Scheme includes land situated within the prescribed distance from the Hillsborough Estate or the Stormont Estate.

(2) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Preliminary Statement of proposals for development or redevelopment

3. The Planning Authority shall within a period of twenty-one months from the Prescribed Date or such longer period as may be determined by the Ministry, prepare a Preliminary Statement of proposals for development or redevelopment (in these Regulations referred to as the " Preliminary Statement ").

Preparation of Preliminary Statement

4. (1) The Preliminary Statement shall contain particulars of the matters specified in the First Schedule to these Regulations and shall

APRIL, 1959						MAY							JUNE, 1959						
S	–	5	12	19	26	**S**	**–**	**3**	**10**	**17**	**24**	**31**	S	–	7	14	21	28
M	–	6	13	20	27	**M**	**–**	**4**	**11**	**18**	**25**	...	M	1	8	15	22	29
T	–	7	14	21	28	**T**	**–**	**5**	**12**	**19**	**26**	...	T	2	9	16	23	30
W	1	8	15	22	29	**W**	**–**	**6**	**13**	**20**	**27**	...	W	3	10	17	24	...
T	2	9	16	23	30	**T**	**–**	**7**	**14**	**21**	**28**	...	T	4	11	18	25	...
F	3	10	17	24	...	**F**	**1**	**8**	**15**	**22**	**29**	...	F	5	12	19	26	...
S	4	11	18	25	...	**S**	**2**	**9**	**16**	**23**	**30**	...	S	6	13	20	27	...

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refer to a Map (in these Regulations referred to as " Map No. 1 ") illustrating clearly so far as possible the said particulars.

(2) The Planning Authority shall give notice by Advertisement of its intentions to adopt a Preliminary Statement and shall take such other steps as it may think fit, by means of public posters or otherwise, to bring its intention to the public notice and shall send to any Interested Authority a draft of the Preliminary Statement proposed to be adopted, intimating at the same time to every such authority the place or places where Map No. 1 will be open for inspection.

(3) The said notice or other public announcement shall include a statement that a draft of the Preliminary Statement proposed to be adopted and Map No. 1, or Certified Copies thereof, will be open for inspection at a specified place or places and that any objections or representations with regard thereto may be sent in writing to the Planning Authority within twenty-one days from the date of the first Advertisement intimating the intention of the Planning Authority to adopt a Preliminary Statement.

(4) The Planning Authority before adopting the Preliminary Statement shall take into consideration any objections and representations made to it in writing within the period specified under paragraph (3) of this Regulation, and shall take such steps as it may think necessary by means of conferences or otherwise to remove or meet such objections and representations and to secure the co-operation of the persons concerned and shall then by resolution adopt the Preliminary Statement.

Submission of Preliminary Statement to the Ministry

5. The Planning Authority shall, within one month of the date of the resolution adopting the Preliminary Statement, send to the Ministry Certified Copies of :—

(*a*) the Resolution, the Preliminary Statement and Map No. 1.

(*b*) each Advertisement or other public announcement ; and

(*c*) any objections and representations received by the Planning Authority in writing which have not been settled by mutual agreement or accepted by the Planning Authority before the adoption of the Preliminary Statement,

together with six copies of the Preliminary Statement.

6. (1) The Ministry shall thereupon consider the Preliminary Statement and Map No. 1 and, after taking into consideration the objections and representations referred to in paragraph (*c*) of Regulation 5, shall in due course notify the Planning Authority that the Preliminary Statement has been approved, disapproved, or approved with modifications.

Provided that any such approval shall be without prejudice to any provisions of the Planning Scheme to be submitted by

the Planning Authority to the Ministry as hereinafter mentioned, or to the approval, or disapproval, or approval with modifications, by the Ministry of that scheme.

(2) The Planning Authority shall, as soon as possible and in any event not more than twenty-one days after the receipt of a notification from the Ministry approving of the Preliminary Statement, give notice thereof by Advertisement and shall include in such Advertisement an intimation that a copy of the Preliminary Statement and Map No. 1 as approved by the Ministry will be open for inspection at a specified place or places and that the Planning Authority propose to proceed forthwith with the preparation of a draft Planning Scheme.

7. The Planning Authority, where the Ministry intimates that the Preliminary Statement has been disapproved, or approved with modifications, shall within three months from the date of such notification adopt the modifications suggested or alternatively prepare and adopt by resolution another Preliminary Statement and the provisions of Regulations 4, 5 and 6 of these Regulations shall with the necessary modifications apply to such further Preliminary Statement.

Preparation of Draft Planning Scheme

8. (1) A draft of the Planning Scheme (in these Regulations called the " Draft Scheme ") shall be adopted by resolution of the Planning Authority as soon as is reasonably practicable and in any event not later than twelve months after the date of approval by the Ministry of the Preliminary Statement.

(2) The Draft Scheme shall contain such provisions as the Planning Authority propose to include in the scheme and shall refer to a Map (in these Regulations called " Map No. 2 ") illustrating so far as practicable, the particulars and details in relation to the scheme by reference to letters, numbers, distinguishing colours or otherwise.

9. (1) The Planning Authority shall forthwith give notice by Advertisement of the adoption of the Draft Scheme and shall include in the notice a statement that the Draft Scheme and Map No. 2, or Certified Copies thereof, will be open for inspection at a specified place or places and that any objections or representations with regard thereto may be sent in writing to the Planning Authority within twenty-one days of the date of the first Advertisement intimating that a resolution has been passed adopting the Draft Scheme.

(2) The Planning Authority shall take into consideration all objections and representations received by it in writing within the period specified under paragraph (1) of this Regulation and shall give full opportunity to any Interested Authority and to persons making such objections or representations to be heard in such manner as in the opinion of the Planning Authority the circumstances of the case may require.

Making of scheme and submission thereof to the Ministry

10. (1) The Planning Authority shall within three months from the date of the resolution adopting the Draft Scheme pass a resolution making the scheme with or without modification of the Draft Scheme.

(2) The scheme shall refer to a Map (in these Regulations referred to as " Map No. 3 "). Map No. 2 may, with the consent of the Ministry, be used for the purpose of this Regulation and, if so used, it shall be marked as Map No. 3 in addition to being marked as Map No. 2.

(3) The Planning Authority shall within one month from the date of the resolution making the scheme submit to the Ministry for approval a duplicate of the scheme and the Map relating thereto, together with copies of all objections and representations received in writing within the period prescribed under paragraph (1) of the last preceding Regulation which have not been met or withdrawn and the documents and information specified in the Second Schedule to these Regulations.

(4) The Planning Authority shall forthwith give notice by Advertisement of the submission of the scheme to the Ministry for approval and shall include in the notice a statement that the scheme submitted by it and the Map relating thereto or Certified Copies thereof will be open for inspection at a specified place or places, and that any objections or representations with reference thereto may be sent in writing to the Ministry within twenty-one days from the date of the said Advertisement.

Approval of scheme by the Ministry without modifications

11. (1) The Ministry shall take into consideration any objections or representations of which copies have been furnished to it under paragraph (3) of the last preceding Regulation and any objections or representations received by it within the prescribed period under paragraph (4) of that Regulation and if any of the objections or representations are not met or withdrawn the Ministry shall cause a local inquiry to be held at which any Interested Authority or persons interested in or affected by the scheme may be heard.

(2) Where the Ministry after duly considering the scheme and, if a local inquiry is held, the report of the inquiry decides to approve the scheme without modifications, or to disapprove the scheme, it shall notify the Planning Authority accordingly.

Modification of scheme by the Ministry

12. (1) Where the Ministry proposes to modify the scheme, it shall furnish the Planning Authority with a copy thereof as proposed to be modified, and the Planning Authority shall give notice by Advertisement of the intention of the Ministry to approve the scheme with modifications.

(2) The notice shall include a statement that a Certified Copy of the scheme and the Map relating thereto, in the form in which the Ministry has notified its intention of approving them, may be inspected at a specified place or places, and that any objections or representations with reference to the scheme as proposed to be approved by the Ministry, other than objections or representations which have already been made under Regulations 10 and 11 of these Regulations or which have been made at the local inquiry, may be sent to the Ministry in writing within twenty-one days from the date of the said Advertisement.

(3) The Planning Authority may themselves make objections or representations to the Ministry within a period of twenty-eight days from the date of the receipt by them from the Ministry of the copy of the scheme as proposed to be modified by it.

(4) If the Planning Authority within the said period of twenty-eight days so request, the Ministry shall hold a local inquiry at which the Planning Authority, any Interested Authority and any person interested in or affected by the scheme may be heard.

Approval of scheme by the Ministry with modifications

13. The Ministry shall take into consideration any objections or representations received by it under the last preceding Regulation within the periods therein specified and, if a local inquiry is held, the report of the inquiry, and shall thereafter approve the scheme either with or without the modifications referred to in the last preceding Regulation or with such further modifications as it thinks fit and shall notify the Planning Authority accordingly :

Provided that if the Ministry proposes to make any further modifications in the scheme it shall, before approving the scheme, inform the Planning Authority of the proposed modifications and shall hold a further local inquiry if the Planning Authority make a request in that behalf within twenty-eight days from the date on which they were informed of the proposed further modifications.

Notice of approval of Planning Scheme by the Ministry

14. The notice to be prescribed in pursuance of the provisions of section forty-five of the Planning and Housing Act (Northern Ireland), 1931, stating that a scheme has been approved by the Ministry and is capable of coming into operation shall be in the form set out in the Third Schedule to these Regulations or in a form substantially to the like effect.

Advertisement of disapproval of scheme

15. If the Ministry disapproves the scheme, the Planning Authority shall forthwith give notice by Advertisement of the disapproval.

SUPPLEMENTAL

Information to be furnished to the Ministry

16. The Planning Authority shall furnish the Ministry with all such

information or particulars as it may from time to time require with regard to any matters in connection with the preparation, adoption, or making of a scheme under the foregoing provisions of these Regulations.

Duty to consult and supply all documents

17. (1) Before passing any resolution deciding to adopt a scheme, adopt a Draft Scheme, or deposit for inspection a draft of a Preliminary Statement under any of the foregoing provisions of these Regulations, the Planning Authority shall consult with every Interested Authority.

(2) The Planning Authority shall furnish the Interested Authority with a Certified Copy of the draft Preliminary Statement or Draft Scheme and shall at the same time notify them that reasonable facilities will be given to them for inspecting any Map to which the said documents refer, and if they so desire for making copies thereof.

(3) The Planning Authority shall, before depositing for inspection a draft of a Preliminary Statement or adopting a Draft Scheme consider any representations submitted by an Interested Authority and shall make such modifications therein, if any, as may appear to be desirable having regard to the representations.

Copies to be supplied to any Interested Authority

18. (1) Where under the provisions of these Regulations notice is given of the deposit for inspection of any document, the Planning Authority shall as soon as may be furnish the Interested Authority with a Certified Copy of the document, and shall, if so requested, afford the Interested Authority reasonable opportunity for making copies of the Map or Maps relating to such document.

(2) If any Interested Authority consider that their administrative functions will be affected by any proposals of the Planning Authority, the Planning Authority shall furnish the Interested Authority, if they so request, with copies of any objections or representations in regard to those proposals which may be made to the Planning Authority under these Regulations after the resolution to prepare or adopt a scheme has taken effect, provided that the request is made within the time allowed under these Regulations for making objections or representations in respect of those proposals, and the Planning Authority shall take into consideration any representations made by the Interested Authority within twenty-one days from the date of the receipt by the Interested Authority of the said copies.

Consultation with persons interested

19. The Planning Authority shall take steps by means of conferences or such other means as they may think expedient to secure the co-operation of owners or other persons interested in the land proposed to be included in any Planning Scheme.

Copies of documents to be supplied

20. The Planning Authority shall furnish to any Prescribed Person, making application therefor, a copy of any draft Preliminary Statement, Draft Scheme or scheme which has been placed on deposit for inspection in accordance with any of the foregoing provisions of these Regulations or in pursuance of the Planning Acts or of any scheme after it has come into operation on payment of the reasonable cost of the supply of the copy.

21. All Maps, plans, documents and notices deposited for inspection under the provisions of these Regulations shall be available for inspection during reasonable hours and without payment of any fee.

Extension of time and dispensation

22. (1) The Ministry may if it thinks fit in any particular case and subject to such conditions as it may impose extend the period during which anything is required to be done under the foregoing provisions of these Regulations provided that it is satisfied that there are special circumstances warranting the extension.

(2) Subject to the provisions of the Planning Acts and these Regulations, the Planning Authority may, on reasonable cause being shown, extend the time during which any suggestions, objections or representations, in writing, may be sent to it under any of the foregoing provisions of these Regulations, either unconditionally or subject to such conditions as it may think proper to impose.

(3) The Ministry may, subject to such conditions as it may impose and provided it is satisfied that there is reasonable cause for the dispensation or modification of any of the provisions of the foregoing Regulations and that no person will be prejudiced thereby, dispense with or modify all or any of the provisions of these Regulations which are not provisions made obligatory by the Planning Acts.

Service of notices under these Regulations

23. A notice or other document required to be served in pursuance of these Regulations may be served :—

(i) by delivering it at the residence of the person on whom it is to be served or sending it by prepaid post addressed to that person at his address ; or

(ii) if the notice or document is to be served on an incorporated company or body, by delivering it to the Secretary or Clerk of the Company or Body at their registered or principal offices or sending it by prepaid post addressed to the Secretary or Clerk of the Company or Body at that office ; or

(iii) if the Planning Authority are unable after reasonable inquiry to ascertain the name or address of the person upon whom it should be served, by addressing it to him by the description

of " owner " or " occupier " of the premises (naming them) to which it relates, and by delivering it to some person on the premises, or if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

Revocation of provisions and Regulations

24. The Planning Schemes (Procedure) Regulations (Northern Ireland), 1931, are hereby revoked provided that such revocation shall not affect the validity of any proceeding, or matter or thing done, under the provisions of the Regulations hereby revoked or remaining to be done in continuance of steps already duly taken under such provisions.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-eighth day of September, One thousand nine hundred and forty-five.

(L.S.) *Ronald Green,*
Assistant Secretary

FIRST SCHEDULE REGULATION 4

PARTICULARS TO BE INCLUDED IN A PRELIMINARY STATEMENT

(*a*) The existing development in the area to be planned showing the general character thereof as regards buildings ; streets ; roads ; water and sewerage mains ; and public supply services.

(*b*) The principal new streets or roads which it is proposed shall be made as part of the scheme with their position, and any proposed widening of existing streets or roads.

(*c*) Areas of unsatisfactory or obsolete development which it is considered should be regarded as " areas of reconstruction " accompanied by a Map of suitable scale indicating in so far as it may be possible to do so the type of reconstruction proposed.

(*d*) Roads, streets, or ways which it is proposed to stop up or divert.

(*e*) Areas proposed to be reserved for open spaces, or areas not to be built upon and as regards areas not to be built upon the purposes for which they are to be reserved.

(*f*) An indication of the manner in which it is proposed to zone the area with regard to development or redevelopment.

SECOND SCHEDULE REGULATION 10

DOCUMENTS AND PARTICULARS TO BE SENT TO THE MINISTRY WITH APPLICATION FOR APPROVAL OF A SCHEME

(*a*) Six copies of the scheme.

(*b*) A list of all local Acts, Provisional Orders, Bye-laws or Regulations in force in the area of the scheme and copies of those which contain any provisions affecting the scheme with reference to those provisions.

(*c*) Particulars in the form required by the Ministry of the proposed acquisition of land by the responsible authorities under the scheme ; of works to be executed ; of proposed appropriations of parks and open spaces ; of any enactments, Orders, bye-laws or regulations which it is proposed to suspend with reasons for the proposal ; of the acreage, population, net annual value and rateable value of the area of the scheme ; of the lands in possession of local authorities ; of clearance or improvement areas ; of proposals for providing houses under the Housing Acts (Northern Ireland), 1890-1945 ; of any buildings of the kind referred to in sub-section (2) of section 1 of the Planning and Housing Act (Northern Ireland), 1931.

(*d*) Where the scheme extends to any land or building erected thereon, which, for the time being, belongs to any statutory undertakers and is held and used by them for the purposes of their undertaking, a statement whether their consent has been obtained to the application of the provisions of the scheme to their land or building.

THIRD SCHEDULE — REGULATION 14

FORM OF ADVERTISEMENT RELATING TO A PLANNING SCHEME APPROVED BY THE MINISTRY

The Planning Acts (Northern Ireland), 1931 and 1944.

(1) .....Scheme.

Notice is hereby given that the Ministry of Health and Local Government for Northern Ireland in pursuance of the powers vested in it by the Planning Acts (Northern Ireland), 1931 and 1944, has on the..... approved (with modifications) (2) (Subject to conditions) a Planning Scheme submitted to it by the (3).....entitled the (1) .....Scheme.

Copies of the above mentioned scheme and the Map relating thereto have been deposited at.....and may be seen at all reasonable hours.

The scheme will become operative at the expiration of six weeks from the date of this Advertisement but, if proceedings in the Supreme Court are instituted, within that period, by an aggrieved person who is desirous of questioning the validity of the scheme, the Court may, if satisfied that the scheme is not within the powers of the Acts or that the interests of the applicant have been substantially prejudiced by any requirements of the Acts not having been complied with, quash the scheme either generally or in so far as it affects any property of the applicant.

Dated this.....day of.....194.

Signature of Clerk or Secretary
of Planning Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

(1) Here insert short title of scheme.
(2) Delete words not required.
(3) Description of Planning Authority.