Table of Statutes referred to in this Act

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Public Authorities Protection Act, 1893	56 & 57 Vict. c. 61.
Finance Act, 1895	58 & 59 Vict. c. 16.
Factories Act, 1937...	1 Edw. 8. & 1 Geo. 6. c. 67.
Limitation Act, 1939	2 & 3 Geo. 6. c. 21.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948	11 & 12 Geo. 6. c. 66.
Iron and Steel Act, 1949	12, 13 & 14 Geo. 6. c. 72.
Arbitration Act, 1950	14 Geo. 6. c. 27.
Mineral Workings Act, 1951	14 & 15 Geo. 6. c. 60.

CHAPTER 16

An Act to abolish development charges under the Town and Country Planning Act, 1947, and the Town and Country Planning (Scotland) Act, 1947, subject to certain savings and special provisions; to provide, subject to certain savings and special provisions, that the payments required by sections fifty-eight and fifty-five of those Acts respectively shall not be made and to make certain provision as to claims for and rights to receive such payments; to make provision as to the acquisition of land by the Central Land Board under sections forty-three and forty of those Acts respectively; to revoke Regulation 6 of the Town and Country Planning (Modification of Mines Act) Regulations, 1948, and Regulation 5 of the Town and Country Planning (Modification of Mines Act) (Scotland) Regulations, 1948; to suspend the operation of section thirty of the Mineral Workings Act, 1951; and for purposes connected with the matters aforesaid. [20th May 1953.]

BE it enacted by the Queen'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:—

Abolition of development charges.

1.—(1) Subject to the provisions of section three of this Act, Part VII of the Town and Country Planning Act, 1947, and Part VI of the Town and Country Planning (Scotland) Act, 1947 (which

relate to development charges), shall not apply and shall be deemed never to have applied to operations begun on or after the eighteenth day of November, nineteen hundred and fifty-two, or to uses of land instituted on or after that date.

(2) Where—

(*a*) a development charge has been determined before the said eighteenth day of November; or

(*b*) an application has been received by the Central Land Board for the determination of such a charge but no determination has been made before that date in pursuance of that application,

all the operations and uses covered by the determination or, as the case may be, by the application, shall be deemed for the purposes of this section to have been begun or instituted when the first operation so covered was begun or the first use so covered was instituted or, in the case of a determination or application covering both uses and operations, when the first operation was begun or the first use was instituted, whichever first occurred:

Provided that this subsection shall not, by virtue of paragraph (*b*) thereof, apply to any operations or uses covered by an application if, under proviso (*b*) or proviso (*c*) to subsection (1) of section seventy of the Town and Country Planning Act, 1947, or under proviso (*b*) or proviso (*c*) to subsection (1) of section sixty-seven of the Town and Country Planning (Scotland) Act, 1947 (which relate to operations or uses which the Board are not satisfied can be carried out or instituted within an appropriate period), the Board refuse (whether before or after the passing of this Act) to determine a development charge covering those operations or uses.

(3) Where (whether before or after the passing of this Act) a determination of the amount of the development charge payable in respect of the use of land for any purpose is, in pursuance of subsection (2) of section seventy-two of the Town and Country Planning Act, 1947, or subsection (2) of section sixty-nine of the Town and Country Planning (Scotland) Act, 1947, so made as to cover a specified period only, the continuance of that use of that land after that period shall be deemed for the purposes of this section to be the institution of a new use.

(4) In the case of buildings or works authorised by planning permission granted for a limited period only, being a period expiring on or after the said eighteenth day of November, Part VII of the Town and Country Planning Act, 1947, or Part VI of the Town and Country Planning (Scotland) Act, 1947, as the case may be, shall not apply and shall be deemed never to have applied to the retention of the buildings or works after the expiration of that period.

In this subsection " planning permission granted for a limited period only " includes a permission which, before the appointed day within the meaning of the said Acts, was granted under a planning scheme or under an interim development order and a determination which, before the said appointed day, was made under subsection (3) of section two of the Building Restrictions (War-Time Contraventions) Act, 1946, that any building or works should be deemed to comply with planning control within the meaning of that Act, being a permission or determination granted or made subject to conditions (in whatever form) restricting the period for which buildings or works might be retained on land.

(5) Any sum paid before the passing of this Act by way of development charge which, having regard to the provisions of this section, ought not to have been paid shall be repaid out of moneys provided by Parliament.

Provisions as to payments for depreciation of land values.

2.—(1) The payments directed to be made by section fifty-eight of the Town and Country Planning Act, 1947, and section fifty-five of the Town and Country Planning (Scotland) Act, 1947, shall not be made, and those sections and, so far as they relate to payments under schemes under those sections, sections sixty-five, sixty-six and sixty-eight of the first mentioned Act and sections sixty-two, sixty-three and sixty-five of the second mentioned Act are hereby repealed:

Provided that—

(*a*) claims for such payments duly made to the Central Land Board under the said Acts shall be satisfied in such manner, in such cases, to such extent, at such times and with such interest as may hereafter be determined by an Act of Parliament passed for that purpose; and

(*b*) pending the coming into operation of such an Act, sections sixty to sixty-four of the first mentioned Act and sections fifty-seven to sixty-one of the second mentioned Act (which relate to the establishment of such claims as aforesaid and the transmission of the rights to which they relate), and any regulations made or instruments executed before the passing of this Act under or for the purposes of any of those sections, shall have effect as if—

(i) the preceding provisions of this section had not been passed; but

(ii) provision had instead been made by this section for postponing the date for the satisfaction of the payments until such date as Parliament might thereafter determine,

so, however, that in any instrument of assignment or assignation executed after the passing of this Act affecting any such claim as is mentioned in paragraph (*a*) of this proviso, the subject matter of the assignment or

assignation may be described in any terms which are appropriate having regard to the said preceding provisions.

(2) The proviso to subsection (2) of section sixty-four of the Town and Country Planning Act, 1947, and the proviso to subsection (2) of section sixty-one of the Town and Country Planning (Scotland) Act, 1947 (which provide for invalidating assignments and assignations unless notice is given within a prescribed period to the Central Land Board), shall not apply and shall be deemed never to have applied to any assignment or assignation, whether made or granted before or after the passing of this Act, affecting any such claim as is mentioned in paragraph (*a*) of the proviso to subsection (1) of this section, but, subject to the provisions of subsection (3) of this section, no such assignment or assignation shall be of any effect unless and until it has been approved in writing by the Central Land Board.

(3) In the exercise of their powers under subsection (2) of this section the Central Land Board shall act with a view to securing that, as far as may be, any such claim made in respect of an interest in land enures either wholly for the benefit of some person having an interest in all that land or, to the appropriate extent (but only to the appropriate extent), for the benefit of some person having an interest in part only of that land; and where any assignment or assignation (whether made or granted before or after the passing of this Act) either—

(*a*) only operates to transfer the beneficial interest in a claim made in respect of an interest in land to the person beneficially entitled to that interest in that land or to some interest in which that interest merges by virtue of the same instrument or as part of the same transaction or has already merged; or

(*b*) does not operate to transfer any beneficial interest in the claim; or

(*c*) was made or granted before the eighteenth day of November, nineteen hundred and fifty-two,

the approval of the Central Land Board shall not be necessary if, whether before or after the passing of this Act, notice in writing of the assignment or assignation is given to the Central Land Board not later than one month after the passing of this Act or, if the assignment or assignation was made or granted after the passing of this Act, not later than one month from the date of the making or granting thereof.

Savings and special provisions.

3.—(1) The following provisions, that is to say—

(*a*) the proviso to subsection (1) of section twenty-two of the Town and Country Planning Act, 1947 (which provides that compensation for the revocation or modification of permission to develop land shall not be payable in

respect of any depreciation in the value of an interest in the land unless either a development charge has been paid or, by virtue of any of the provisions of Part VIII of that Act, no such charge is payable);

(*b*) subsection (4) of section fifty-one of that Act (which provides that compensation on compulsory acquisition shall be calculated as if certain planning permissions had not been granted, unless either a development charge has been paid or, by virtue of any of the provisions of Part VIII of that Act, no such charge is payable); and

(*c*) the proviso to subsection (1) of section twenty of, and subsection (4) of section forty-eight of, the Town and Country Planning (Scotland) Act, 1947 (being the provisions as respects Scotland corresponding to the provisions mentioned in paragraphs (*a*) and (*b*) of this subsection),

shall have the same operation as they would have had if section one of this Act had not passed and development charges had been payable accordingly, and accordingly—

(i) the references in the said provisions to cases where a sum has been paid by way of development charge shall be deemed not to include references to cases where a sum has been paid by way of development charge but, by virtue of section one of this Act, that sum has been or falls to be repaid; and

(ii) the references in the said provisions to cases where, by virtue of any of the provisions of Part VIII of the Town and Country Planning Act, 1947, or, as the case may be, Part VII of the Town and Country Planning (Scotland) Act, 1947, no development charge is payable shall be deemed to include references to cases where, if the said section one had not passed, a development charge would have been payable but for some provision of the said Part VIII or the said Part VII.

(2) Nothing in section one of this Act shall entitle any person to the repayment of any sum paid before the passing of this Act by way of development charge in respect of any development of land within the meaning of the Town and Country Planning Act, 1947, or of the Town and Country Planning (Scotland) Act, 1947, where, after the payment, the value of his interest in that land has, for the purposes of the compulsory acquisition thereof, been calculated under subsection (4) of section fifty-one of the first-mentioned Act or under subsection (4) of section forty-eight of the second-mentioned Act on the basis that development charge has been paid, and compensation for the compulsory acquisition has been or falls to be paid accordingly.

(3) Where—

(*a*) any sum or sums has or have been paid before the passing of this Act by way of development charge in respect of any development of land within the meaning of the Town and Country Planning Act, 1947, or of the Town and Country Planning (Scotland) Act, 1947; and

(*b*) after the payment, compensation has been or falls to be paid to a person under subsection (1) of section twenty-two of the first-mentioned Act or under subsection (1) of section twenty of the second-mentioned Act in respect of loss or damage consisting of the depreciation in value of his interest in that land by virtue of the revocation or modification of permission for that development; and

(*c*) but for the provisions of this subsection, the said sum or sums would have fallen to be repaid to that person under section one of this Act,

the repayment of the said sum or sums under the said section one shall be restricted to the amount, if any, by which it or they exceeds or together exceed the said compensation.

(4) Where, before the eighteenth day of November, nineteen hundred and fifty-two, the Central Land Board have, under section forty-three of the Town and Country Planning Act, 1947, or section forty of the Town and Country Planning (Scotland) Act, 1947, entered into an agreement for the acquisition of land or served any notice to treat for the acquisition of land, the agreement or, as the case may be, the compulsory purchase order in pursuance of which the notice was served shall have the same effect as it would have had if this Act had not passed, but, save as aforesaid, the Central Land Board shall not acquire any land under those sections and any approval or authority given by the Minister or the Secretary of State under either of those sections for the acquisition of land by the Central Land Board shall be of no effect.

(5) Pending the coming into operation of such an Act as is referred to in paragraph (*a*) of the proviso to subsection (1) of section two of this Act, the Mineral Development Charge Set-Off Regulations, 1951, the Mineral Development Charge Set-Off (Scotland) Regulations, 1951, and, in relation to ironstone to which the first mentioned Regulations apply, section six of the Mineral Workings Act, 1951, shall have effect as if section one of this Act had not been passed, and as if, instead of the provision made by subsection (1) of section two of this Act, provision had been made by that section for a postponement of the date for the satisfaction of the payments referred to in that subsection until such date as Parliament might thereafter determine.

(6) Regulation 6 of the Town and Country Planning (Modification of Mines Act) Regulations, 1948, and Regulation 5 of the Town and Country Planning (Modification of Mines Act) (Scotland) Regulations, 1948, (which provide that in certain cases the compensation or consideration for a right to work minerals which is granted under the Mines (Working Facilities and Support) Act, 1923, shall be assessed having regard to the amount of the compensation which would be payable for a compulsory acquisition of the minerals), shall not apply to any determination of compensation or consideration made after the passing of this Act.

(7) Until Parliament otherwise determines—

(*a*) no application shall be made under section thirty of the Mineral Workings Act, 1951, for the variation of the provisions of any such mining lease as is therein referred to; and

(*b*) no order shall be made under the said section thirty on any application made thereunder before the passing of this Act.

Short title and extent.

4.—(1) This Act may be cited as the Town and Country Planning Act, 1953.

(2) This Act shall not extend to Northern Ireland.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Mines (Working Facilities and Support) Act, 1923	13 & 14 Geo. 5. c. 20.
Building Restrictions (War-Time Contraventions) Act, 1946	9 & 10 Geo. 6. c. 35.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Mineral Workings Act, 1951	14 & 15 Geo. 6. c. 60.

CHAPTER 17

White Fish and Herring Industries Act, 1953

ARRANGEMENT OF SECTIONS

White Fish Industry

Section
1. Grants by the Authority towards new vessels and engines.
2. Provisions relating to grants under section one.
3. Borrowing by and advances to the Authority.
4. White Fish Marketing Fund.
5. White fish subsidy.