STATUTORY INSTRUMENTS

1968 No. 1909 (C.26)

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning Act 1968 (Commencement No. 2) Order 1968

Made - - - - 29th November 1968

The Minister of Housing and Local Government and the Secretary of State in exercise of the power conferred on each of them by section 105 of the Town and Country Planning Act 1968(a) in relation to England and Wales respectively hereby make the following Order:—

1. The provisions of the Town and Country Planning Act 1968 (hereinafter referred to as "the Act") specified in the first column of Schedule 1 hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation in the whole of England and Wales on 1st January 1969.

2. The transitional provisions contained in Schedule 2 to this Order shall have effect in connection with the provisions brought into force by this Order.

3. This Order may be cited as the Town and Country Planning Act 1968 (Commencement No. 2) Order 1968.

SCHEDULE 1

PROVISIONS COMING INTO OPERATION ON 1ST JANUARY 1969.

Provisions of the Act	*Subject matter of provisions*
Part III	Appeals.
Part V	Buildings of architectural or historic interest.
Schedule 5	Control of works for demolition, alteration or extension of listed buildings.
In Schedule 9 paragraph 10	Modification of Public Health Act 1961(b) as to attachment of street lamps to listed buildings.

(a) 1968 c. 72. (b) 1961 c. 64.

Provisions of the Act	*Subject matter of provisions*
In Schedule 9 paragraph 12 so far as it relates to functions under Part V of the Act	Extension of provision (in section 3 of the Town and Country Planning Act 1962 (a) hereinafter referred to as the principal Act) for delegation of functions of local planning authorities, to functions under Part V of the Act.
In Schedule 9 paragraph 17	Duty of Minister to notify listing, or deletion from the list, of a building to be transferred to local authorities.
In Schedule 9 paragraph 22 so far as it relates to Part IV of Schedule 5 to the Act	Extension to listed building enforcement appeals of certain supplementary provisions as to enforcement appeals in section 64 of the principal Act.
In Schedule 9 paragraph 23 so far as it relates to Part IV of Schedule 5 to the Act	Extension of provision (in section 65 of the principal Act) for recovery of expenses of enforcement to listed building enforcement notices.
In Schedule 9 paragraph 25	Power in section 71 of the principal Act to acquire land by agreement extended to buildings appearing to be of special architectural or historic interest and land required for preserving the building etc.
In Schedule 9 paragraph 31 so far as it relates to Part V of the Act	Extension of provision (in section 127 of the principal Act) as to compensation for depreciation in value of land to compensation under Part V of the Act.
In Schedule 9 paragraph 32 so far as it relates to Part V of the Act	Extension of provision (in section 128 of the principal Act) as to determination of claims for compensation to claims under Part V of the Act.
In Schedule 9 paragraph 35(*c*), and paragraph 35(*d*) so far as it relates to listed building purchase notices and to the following decisions:— (*k*) any decision of the Minister on an application referred to him under paragraph 3 of Schedule 5 to the Act, being an application for listed building consent for any works;	Extension of section 176(2) and (3) of the principal Act (orders and actions of the Minister which are the subject of special provisions as to challenge) to orders and decisions about listed buildings.

(a) 1962 c. 38.

Provisions of the Act	*Subject matter of provisions*
(*l*) any decision of the Minister on an appeal to him under paragraph 7 of that Schedule; (*m*) any decision of the Minister under paragraph 18(5)(*a*) of that Schedule to grant listed building consent for any works or under paragraph 18(5)(*b*) of that Schedule to grant planning permission in respect of any works	
In Schedule 9 paragraph 36 so far as it relates to listed building enforcement notices	Extension of provisions of section 177 of the principal Act as to validity of enforcement notices to listed building enforcement notices.
In Schedule 9 paragraph 39 so far as it relates to appeals under Part IV of Schedule 5 to the Act.	Extension of section 180 of the principal Act (appeals to High Court relating to enforcement notices) to listed building enforcement notices.
In Schedule 9 paragraph 41 so far as it relates to Part III or V of the Act.	Extension of power in section 188 of the principal Act (for Ministers to make contributions towards compensation paid by local authorities) to decisions or orders under Part III or V of the Act.
In Schedule 9 paragraph 42 so far as it relates to Part V of, or Schedule 5 to, the Act.	Extension of power in section 189 of the principal Act (for local authorities or statutory undertakers to make contributions towards expenses incurred by other authorities) to expenses in performing functions in relation to listed buildings.
In Schedule 9 paragraph 45(*b*) in relation to the references to sections 30 and 31 of the principal Act and section 44 of the Act; paragraph 45(*c*) so far as it relates to enforcement notices under section 44 of the Act; and paragraph 45(*d*).	Provisions as to service of listed building enforcement notices and purchase notices in respect of Crown land.
In Schedule 9 paragraph 48(*b*) so far as it relates to section 49 of the Act.	Extension of provision (in section 205(3) of the principal Act) as to payment of compensation in respect of ecclesiastical property, to compensation under section 49 of the Act.

Provisions of the Act.	*Subject matter of provisions.*
In Schedule 9 paragraph 49 so far as it relates to enforcement notices under section 44 of the Act (listed building enforcement notices).	Default powers of the Minister under section 207 of the principal Act to apply to listed building enforcement notices.
In Schedule 9 paragraph 50 so far as it relates to listed buildings and buildings proposed to be listed.	Supplementary rights of entry in connection with listed buildings.
In Schedule 9 paragraph 58 so far as it relates to applications under Part V of the Act for listed building consent.	Provision as to local planning authorities in Greater London for the purposes of the Act.
In Schedule 9 paragraph 60	Provision as to functions of the Greater London Council in respect of listed buildings.
In Schedule 9 paragraph 68	Exemption from rating in respect of buildings which are the subject of a building preservation notice or are listed buildings.
In Schedule 9 paragraphs 69 to 71 and 74	Amendments of the Civic Amenities Act 1967(a) consequential on the provisions of the Act relating to listed buildings.
In Schedule 10 paragraphs 18 to 20	Transitional provisions in relation to buildings of architectural or historic interest.
In Schedule 11 the entries relating to the Housing Act 1957(b); the Local Authorities (Historic Buildings) Act 1962(c); the principal Act sections 23(3), 30, 31, 33, 52 to 55, 62(2) and (4), 64(2)(*b*), 125(1) and (2) and 199(2)(*b*); the London Government Act 1963(d) section 28(2) and (3); and the Civic Amenities Act 1967 section 1(6), 2, 6(2), 7, 9 and 10.	Repeals incidental to or consequential on the bringing into operation of the above-mentioned provisions.

SCHEDULE 2

TRANSITIONAL PROVISIONS

1. The bringing into operation of the amendments, made in paragraph 36 of Schedule 9 to the Act, of section 177 of the principal Act so far as they relate to listed building enforcement notices shall not prejudice the continued operation of subsections (1) to (3) of the said section.

(a) 1967 c. 69. (b) 1957 c. 56. (c) 1962 c. 36. (d) 1963 c. 33.

2. The bringing into operation of the amendments, made in paragraph 39 of Schedule 9 to the Act, of section 180 of the principal Act so far as they relate to listed building enforcement notices shall not prejudice the continued operation of subsections (1) to (3) of the said section.

Given under the official seal of the Minister of Housing and Local Government on 29th November 1968.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

Eirene White,
Minister of State,
Welsh Office.

29th November 1968.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force for the whole of England and Wales provisions of the Town and Country Planning Act 1968 relating to appeals and to buildings of architectural or historic interest which are set out in Schedule 1 to the Order, subject to the transitional provisions contained in Schedule 2.