STATUTORY INSTRUMENTS

1974 No. 185

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1974

Made - - -	*7th February* 1974
Laid before Parliament	*8th February* 1974
Coming into Operation	*1st April* 1974

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 63 and 287 of the Town and Country Planning Act 1971 **(a)**, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1974, and the Town and Country Planning (Control of Advertisements) Regulations 1969 and 1972 **(b)** and these regulations may be cited together as the Town and Country Planning (Control of Advertisements) Regulations 1969 to 1974.

(2) These regulations shall come into operation on 1st April 1974.

(3) The Interpretation Act 1889 **(c)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of principal regulations

2. The Town and Country Planning (Control of Advertisements) Regulations 1969 as amended **(d)** are hereby amended as follows:—

(*a*) In regulation 2(1)—

(i) in the definition of "local authority", for the words "county, county borough or county district" there shall be substituted the words "county or district";

(ii) for the definition of "local planning authority" there shall be substituted the following definition—

'local planning authority' (except in regulation 26) means—

(*a*) in respect of each London borough, the council of that London borough;

(*b*) in respect of the City of London, the Common Council;

(*c*) in respect of any area outside Greater London and not within a National Park, the district planning authority for that area;

(a) 1971 c. 78. **(b)** S.I. 1969/1532, 1972/489 (1969 III, p.4962; 1972 I, p.1730).
(c) 1889 c. 63.
(d) The relevant amending instrument is S.I. 1972/489 (1972 I, p. 1730).

(*d*) in respect of any area within a National Park, the county planning authority for that area"; and

(iii) in the definition of "statutory undertakers", after the words "British Airports Authority" there shall be inserted the words "by the Civil Aviation Authority";

(*b*) In regulation 17, for paragraphs (1) and (2) there shall be substituted the following paragraphs—

"(1) Subject to this regulation an application for consent to display advertisements shall be made on a form issued by the authority to whom the application is to be made and obtainable from that authority, and shall include such particulars and shall be accompanied by such plans, together with such additional number of copies (not exceeding two) of the form and plans, as may be required by the directions printed on the form.

(2) The application shall be made to the local planning authority; except that if it relates to land in a National Park it shall be made to the district planning authority, who shall transmit it to the county planning authority, and an application so made shall be treated as an application to a local planning authority for the purpose of these regulations.";

(*c*) In regulation 18(1), sub-paragraph (*b*) shall be omitted;

(*d*) In regulation 26—

(i) for paragraph (1) there shall be substituted the following paragraphs—

"(1) Every local planning authority shall from time to time consider whether any part or any additional part of their area should be defined as an area of special control.

(1A) As respects any order made under this regulation and coming into force after 1st April 1974 the authority who made the order shall consider at least once in every five years while the order remains in force whether it should be modified or revoked, and as respects any order in force on 1st April 1974 these same matters shall be considered at least once every five years while the order remains in force—

(*a*) where the area of special control defined thereby falls wholly within the area of a district planning authority and is not within a National Park, by that district planning authority;

(*b*) where the area of special control defined thereby is within Greater London, by the London borough council within whose area it falls or, in the case of an area of special control within the City of London, by the Common Council;

(*c*) in any other case, by the county planning authority within whose area the area of special control defined thereby falls.

(1B) As respects any order in force on 1st April 1974, the desirability of modifying or revoking it shall be considered, by the authorities mentioned in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph (1A) above, within five years from the date on which the order came into force or, if longer, within five years from the last occasion on which such matters were considered before 1st April 1974."; and

(ii) in sub-paragraph (*b*) of paragraph (3), for the words "with the council of any county district" there shall be substituted the words, "where they are a county planning authority, with the council of any district";

(*e*) At the end of regulation 26 there shall be added the following paragraph—

"(5) References in this regulation and in Schedule 2 to a local planning authority shall be construed—

(*a*) as respects the City of London, as references to the Common Council;

(*b*) as respects land within a London borough, as references to the council of that London borough;

(*c*) as respects land outside Greater London and not within a National Park, as references to the county planning authority and the district planning authority;

(*d*) as respects land within a National Park, as references to the county planning authority.";

(*f*) In regulation 31(3), for the words from "Provided" to "that district" there shall be substituted the words "Provided that so much of the register as relates to land within any part of the area of the local planning authority may be kept at a place within or convenient to that part of their area".

Geoffrey Rippon,
7th February 1974. Secretary of State for the Environment.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations make a number of amendments to the Town and Country Planning (Control of Advertisements) Regulations 1969 and 1972. The amendments are, in general, made necessary by the Local Government Act 1972.

The principal amendments are as follows—

(*a*) a new definition of "local planning authority" is inserted in Regulation 2(1), to take account of the fact that, outside Greater London, the functions of advertisement control are, in general, vested in the district planning authority except in the case of land within the National Parks where they are vested in the county planning authority;

(*b*) paragraphs (1) and (2) of Regulation 17 are replaced by two new paragraphs, to take account of the fact that, outside Greater London, all applications for consent to display advertisements are to be made to the district planning authority and that where an application relates to land within a National Park, the district planning authority are to forward it to the county planning authority;

(*c*) paragraph (1) of Regulation 26 is replaced by three new paragraphs ((1), (1A) and (1B)) and a new paragraph ((5)) defining "local planning authority" for the purposes of Regulation 26 is inserted, to take account of the fact that, except in relation to land within the National Parks where the power is vested in the county planning authority alone, both county and district planning authorities can define areas of special control; and the duty to review orders defining areas of special control every five years is repeated with provision for it to be carried out, as

respects orders made on or after 1st April 1974, by the authority who made the order, and in the case of orders made before that date by the following authorities:—

(1) where the area of special control is not within a National Park and falls wholly within the area of a district planning authority, by that district planning authority,

(2) in the case of an area of special control within Greater London, by the Common Council or London borough council as appropriate, and

(3) in any other case, by the county planning authority;

(*d*) paragraph (3)(*b*) of Regulation 26 is amended to provide that, in selecting areas for designation as areas of special control, a county planning authority must consult with the appropriate district council.

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