CONTROL OF DEVELOPMENT

1959 No. 1915

The Town and Country Planning (Delegation) Regulations, 1959

Made - - - -	13*th November*, 1959
Laid before Parliament	18*th November*, 1959
Coming into Operation	1*st December*, 1959

The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 34 and 111 of the Town and Country Planning Act, 1947(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Delegation) Regulations, 1959, and shall come into operation on the 1st day of December, 1959.

Interpretation

2.—(1) In these regulations, except where the context otherwise requires—

" the Act " means the Town and Country Planning Act, 1947 ;

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

" excepted council " means a council of a county district having a population at the relevant date of sixty thousand or more ; provided that if at any date thereafter such population falls below fifty thousand such council shall cease to be an excepted council ;

" relevant date " means the date of the coming into operation of these regulations, or the date when the population of a county district not being the district of an excepted council is shown in accordance with paragraph (2) of this regulation to have reached sixty thousand or more, as the case may be ;

" National Park " has the same meaning as in the National Parks and Access to the Countryside Act, 1949(b) ;

" development plan " means a development plan as approved or made by the Minister or as for the time being amended under Part II of the Act.

(2) For the purposes of these regulations, the population of a county district shall at any date be taken to be its population as estimated in and at the date of publication of the latest estimate published by the Registrar General for England and Wales.

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

Powers of Delegation

3. A local planning authority (other than the council of a county borough) may, with the consent of the Minister, enter into an agreement with the council of a county district wholly or partly in their area, to delegate to the said council any of their functions under Part III of the Act upon such

(a) 10 & 11 Geo. 6. c. 51 (b) 12, 13 & 14 Geo. 6. c. 97. (c) 52 & 53 Vict. c. 63.

terms and subject to such conditions restrictions and reservations as are set out in the said agreement and approved by the Minister, and any such agreement may include provision—

(*a*) for the transfer to such council of any liability of the local planning authority to pay compensation under Part III or Part VIII of the Act in respect of anything done by that council in the exercise of such functions;

(*b*) for the transfer and compensation of any officers of the local planning authority.

4. It shall be a term of any such delegation—

(*a*) that the delegation may be terminated or any of its terms conditions restrictions or reservations varied by agreement between the parties with the consent of the Minister, and that it shall in any event terminate upon the withdrawal by the Minister of his consent thereto;

(*b*) that any document by which functions delegated under these regulations are exercised shall state that such functions are exercised on behalf of the local planning authority, but no such document shall be invalid by reason only that this requirement has not been complied with.

Requirement to delegate

5.—(1) Any excepted council may by a notice in writing served on the local planning authority within three months of the relevant date or such longer period as the Minister may in any particular case allow, claim the right to exercise delegated functions under the next succeeding paragraph.

(2) Where a notice is served by an excepted council under the last preceding paragraph the local planning authority shall delegate to that council their functions under Part III of the Act in accordance with the terms set out in the schedule to these regulations, and such delegation shall take effect at the expiration of six months from the service of such notice or such earlier date as may be agreed between the council and the authority.

(3) An excepted council shall forthwith notify the Minister of—

(*a*) the service of a notice under paragraph (1) of this regulation;

(*b*) the date (if any) agreed for the taking effect of the delegation under paragraph (2) of this regulation.

(4) Where a council ceases to be an excepted council any delegation under paragraph (2) of this regulation shall cease to have effect at the expiration of twelve months from the date of the publication of the relevant estimate.

(5) The Minister may, on application by a council of a county district other than an excepted council if he is satisfied that there are special circumstances by reason of which such council ought to be treated as if it were entitled to make a claim under paragraph (1) of this regulation, require the local planning authority to delegate to that council their functions under Part III of the Act, and any such requirement shall be treated by the local planning authority and the council (except in relation to paragraph (3) (*a*) of this regulation) as if it were a notice served under paragraph (1) of this regulation.

(6) Nothing in this regulation shall apply to functions in respect of land in a National Park, or in the metropolitan area as defined in the Fifth Schedule to the Local Government Act, 1958(**a**).

General provisions

6. Where the local planning authority is a joint planning board, regulations 3 and 4 of these regulations shall have effect as if the reference in

(**a**) 6 & 7 Eliz. 2. c. 55.

regulation 3 to the council of a county district wholly or partly in their area included a reference to the council of a county or of a county borough wholly or partly therein.

7. Any council to whom functions are delegated in accordance with these regulations shall perform those functions on behalf of the local planning authority.

8. The Town and Country Planning (Authorisation of Delegation) Regulations, 1947(a), are hereby revoked; provided that any agreement having effect under those regulations shall continue in force as if it had been made under these regulations until superseded by a delegation under these regulations.

SCHEDULE

(Regulation 5 (2)).

1. The local planning authority (hereinafter called "the authority") hereby delegate to the county district council in respect of land in the county district and subject to the under-mentioned conditions restrictions and reservations all the functions of the authority under Part III of the Act and under any orders or regulations made thereunder, (including any such functions exercisable by virtue of Part VIII of the Act), except:—

(1) functions under sections 25 and 29 of the Act;

(2) functions involving action in connection with mineral working, mineral processing on land in or adjoining a quarry or other mineral working, or the deposit of mineral waste, (including determinations under section 17 in relation to any such matters);

provided that:—

(*a*) the concurrence in writing of the authority shall be obtained before the grant of permission for development which does not accord with the provisions of the development plan or with proposals for the amendment of the development plan approved by resolution of the authority and communicated to the county district council;

(*b*) the county district council may refer any application under section 14, section 17 or section 18 of the Act to the authority instead of dealing with it themselves and thereupon such application shall be dealt with as if no functions in respect thereof had been delegated to the county district council;

(*c*) the authority shall consult with the county district council before reaching a decision on the matters referred to in sub-paragraphs (1) and (2) above.

2. The authority may exercise their powers under sections 21, 23, 26, or 28 of the Act notwithstanding this delegation in any case where in their opinion the county district council after being consulted have refused or neglected to exercise delegated functions under any of those sections.

3. The conditions of delegation shall be:

(1) that any document by which any delegated functions are exercised shall state that such functions are exercised on behalf of the authority, (but no such document shall be invalid by reason only that this or the next following condition have not been complied with);

(2) that any such document shall be in such form as is approved by the Clerk of the authority for a document of that kind and that a copy of every such document (including decisions on applications for permission or consent together with a copy of any application for permission or consent to which the document relates) shall except where otherwise agreed be sent to him for information;

(3) that the county district council shall bear all compensation (other than that defrayed by specific grants from central government funds) payable as a result of the exercise of the delegated functions except insofar as the

(a) S.R. & O. 1947/2499 (Rev. XXII, p. 789: 1947 I, p. 2121).

authority shall have agreed to bear it wholly or in part on being consulted by the county district council before the order direction or decision giving rise to the claim for compensation was made.

Given under the official seal of the Minister of Housing and Local Government this thirteenth day of November, nineteen hundred and fifty-nine.

(L.S.)

Henry Brooke,
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

These regulations are made under section 34 of the Town and Country Planning Act, 1947, and revoke the Town and Country Planning (Authorisation of Delegation) Regulations, 1947.

The regulations entitle councils of county districts with a population of sixty thousand or more to claim a wide measure of delegation under Part III of the 1947 Act and also authorise the Minister, if satisfied that there are special circumstances justifying such a course, to require similar delegation to a council of a county district with a population of less than sixty thousand. The regulations set out the procedure to be followed by county district councils wishing to claim delegation under these new powers.

The regulations also repeat those parts of the repealed regulations which related to the delegation of functions to county district councils, without regard to population.

1959 No. 1286

The Town and Country Planning General Development Order, 1959

Made - - - -	*27th July*, 1959
Laid before Parliament	*29th July*, 1959
Coming into Operation	*16th August*, 1959

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 13 of the Town and Country Planning Act, 1947(a), and sections 8, 36 and 37 of the Town and Country Planning Act, 1959(b), and of all other powers enabling him in that behalf, hereby makes the following order:—

Application, citation and commencement

1.—(1) This order shall apply to all land in England and Wales: Provided that if a special development order is made as to any such land this order shall apply thereto to such extent only and subject to such modifications as may be specified in the special order.

(a) 10 & 11 Geo. 6. c. 51. (b) 7 & 8 Eliz. 2. c. 53.