STATUTORY INSTRUMENTS

1965 No. 1590

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning General (Amendment No. 2) Regulations 1965

Made - - - -	12*th August* 1965
Laid before Parliament	18*th August* 1965
Coming into Operation	19*th August* 1965

The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 42 and 217 of the Town and Country Planning Act 1962(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1.—(1) These regulations may be cited as the Town and Country Planning General (Amendment No. 2) Regulations 1965, and the regulations which may be cited together as the Town and Country Planning General Regulations 1964 and 1965(**b**) shall include these regulations.

(2) These regulations shall come into operation on 19th August 1965.

(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.

2. The Town and Country Planning General Regulations 1964 are hereby amended as follows :—

(*a*) There shall be inserted at the beginning of paragraph (1) of regulation 24 the words " Subject to the provisions of paragraph (6) of this regulation," ;

(*b*) There shall be added at the end of the said regulation 24 the following paragraphs :—

" (5) Where an application falls to be made to the Minister under the foregoing provisions of this regulation, such application shall be accompanied by an office development permit issued under Part I of the Control of Office and Industrial Development Act 1965(**d**) in any case where such a permit would have been required if the application had been to the local planning authority instead of to the Minister.

" (6) No permission shall be deemed to be granted by virtue of paragraph (1) of this regulation in a case where an office development permit would be required if an application for that permission had to

(**a**) 10 & 11 Eliz. 2. c. 38.
(**b**) S.I. 1964/1382, 1965/499 (1964 II, p.3101; 1965 I, p.1246).
(**c**) 52 & 53 Vict. c. 63. (**d**) 1965 c. 33.

be made to the local planning authority, unless such a permit has been issued by the Board of Trade prior to the date of the authority's resolution to carry out the development." ;

(*c*) There shall be added at the end of regulation 25 the following paragraph, the existing regulation being re-numbered as paragraph (1) :—

" (2) A planning permission granted or deemed to be granted under regulation 24 shall for the purposes of section 39(5) be taken to be a planning permission granted by a planning decision, and any reference in that subsection to an application to the local planning authority shall include a reference to an application made in accordance with regulation 24(2).".

Given under the official seal of the Minister of Housing and Local Government on 12th August 1965.

(L.S.) *R. H. S. Crossman,*

Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the regulations.)

These regulations amend the Town and Country Planning General Regulations 1964 to take account of the provisions of the Control of Office and Industrial Development Act 1965, which imposes a control on office development in certain areas and also amends the provisions of the Town and Country Planning Act 1962 relating to industrial development.

Regulation 24 of the regulations of 1964 provides that, except in certain cases which are specified in the regulation, planning permission is deemed to be granted under the Act of 1962 for development which a local planning authority propose to carry out in their area. In those cases where an application for planning permission is required, the application is deemed to have been referred to the Minister, under section 22 of the Act of 1962, to be dealt with by him. Regulation 2(*a*) and (*b*) of these regulations provide that, in so far as office development is concerned, the authority must obtain an office development permit under the Act of 1965 in all cases where such a permit would have been required if the development were to be carried out by a person other than a local planning authority.

Regulation 25 of the regulations of 1964 applies sections 38 and 39 of the Act of 1962 (which require that an application for planning permission for industrial development shall be supported by an industrial development certificate) to development by local planning authorities. The Act of 1965 has amended section 39 (which provides for exemption from the requirement to obtain an industrial development certificate where the extent of the proposed development, taken together with certain other development, does not exceed a specified limit) and regulation 2(*c*) of these regulations modifies that section (as now amended) in its application to industrial development by local planning authorities, so that it applies to such development as it applies to industrial development by persons other than local planning authorities.

These regulations are made in consultation with the Secretary of State for Wales.