STATUTORY INSTRUMENTS

# 1967 No. 1241

# TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

## The Town and Country Planning General (Amendment) Regulations 1967

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| *Made - - -* | *15th August* 1967 |
| *Laid before Parliament* | *22nd August* 1967 |
| *Coming into Operation* | *27th August* 1967 |

The Minister of Housing and Local Government, in exercise of his powers under sections 3, 29, 31, 134 and 217 of the Town and Country Planning Act 1962(**a**) and sections 10, 16 and 17 of the Civic Amenities Act 1967(**b**) and of all other powers enabling him in that behalf, after consultation, in relation to regulation 2(*b*) and (*j*) with the associations of local authorities with whom he considered consultation to be appropriate, hereby makes the following regulations 1 and 2(*a*) (*b*) (*e*) (*f*) (*g*) (*h*) and (*j*) and, except in relation to Wales and Monmouthshire, the following regulation 2(*c*) and (*d*), and the Secretary of State, in exercise of his powers under section 29 of the said Act of 1962 and section 16 of the said Act of 1967 and of all other powers enabling him in that behalf, hereby makes, in relation to Wales and Monmouthshire, the following regulations 1 and 2(*a*) (*c*) and (*d*):—

**1.**—(1) These regulations may be cited as the Town and Country Planning General (Amendment) Regulations 1967, and the Town and Country Planning General Regulations 1964 and 1965(**c**) and these regulations may be cited together as the Town and Country Planning General Regulations 1964 to 1967.

(2) These regulations shall come into operation on 27th August 1967.

(3) The Interpretation Act 1889(**d**) 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(**e**), as amended (**f**), are hereby amended as follows:—

(*a*) In regulation 2(1), after the definition of "the Act" there shall be added the following definition—
" 'the Act of 1967' means the Civic Amenities Act 1967;"

(*b*) In regulations 4(1), 6(2) and 6(5), after the word "Act" there shall be inserted the words "and Part II of the Act of 1967";

(*c*) In regulation 12(*b*), after sub-paragraph (iv) there shall be inserted the following sub-paragraph—

(**a**) 1962 c. 38. (**b**) 1967 c. 69. (**c**) S.I. 1964/1382, 1965/499, 1965/1590 (1964 II, p.3101; 1965 I, p.1246; 1965 II, p.4603). (**d**) 1889 c. 63. (**e**) S. I. 1964/1382 (1964 II, p.3101).
(**f**) The relevant amending instrument is S. I. 1965/499 (1965 I, p.1246).

"(v) where the order contains a direction under section 16 (procedure for making tree preservation orders) of the Act of 1967, the effect of the direction."

(*d*) In regulation 15, the words "(including any decision to confirm the order provisionally under section 29(6))" and "(otherwise than provisionally)" shall be deleted, and at the end there shall be added the following words—

"and, in any case where the order contains a direction under section 16 of the Act of 1967 and the Minister, within the period of 6 months beginning with the date on which the order was made, notifies the authority that he does not propose to confirm it, the authority shall, as soon as may be, serve copies of that notice on the said owners and occupiers."

(*e*) In regulation 19(2), at the end there shall be added the following words—

"and in any case where the order contains a direction under section 10 (procedure for making building preservation orders) of the Act of 1967 the local authority shall also include in the said notice a statement of the effect of the direction."

(*f*) In regulation 19(3), for the words from "The notice shall contain" to the end there shall be substituted the following words—

"The notice shall contain—

(*a*) a statement that the period of 28 days during which objections and representations may be sent to the Minister shall run from the date of the service of the notice; and

(*b*) in any case where the order contains a direction under section 10 of the Act of 1967, a statement of the effect of the direction."

(*g*) In regulation 21, the words "(including any decision to confirm the order provisionally under section 31(2))" and, in both places where they occur, the words "(otherwise than provisionally)" shall be deleted, and at the end there shall be added the following words—

"and (*c*) in any case where the order contains a direction under section 10 of the Act of 1967 and the Minister, within the period of 6 months beginning with the date on which the order was made, notifies the authority that he does not propose to confirm it, the authority shall, as soon as may be, serve copies of that notice on the said owner and any such occupier."

(*h*) In regulation 32(1), for the words "or 124" there shall be substituted the words "124 or 134".

(*j*) In paragraph 1 of Schedule 1, for the words "and under any orders or regulations made thereunder" there shall be substituted the words "and Part II of the Civic Amenities Act 1967, and under any orders or regulations made under those enactments" and after the words "section 37" in sub-paragraph (1) and "section 43" in sub-paragraph (2) there shall be inserted the words "of the Act".

Given under the official seal of the Minister of Housing and Local Government on 15th August 1967.

(L.S.)

*Anthony Greenwood*,
Minister of Housing and Local Government.

*Eirene White*,
Minister of State.

Welsh Office.
15th August 1967.

## EXPLANATORY NOTE

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

These regulations amend the Town and Country Planning General Regulations 1964, as amended by the Town and Country Planning General (Amendment) Regulations 1965, to give effect to certain provisions of the Civic Amenities Act 1967.

Regulation 2(*b*) and (*j*) amends Part II (Delegation) of the 1964 regulations to provide for the delegation to county district councils of the functions of local planning authorities under Part II of the 1967 Act, which makes further provision for the preservation and planting of trees.

Regulation 2(*c*) and (*d*) amends Part III (Tree Preservation Orders) of the 1964 regulations to provide that where, by direction of a local planning authority, a tree preservation order is to take immediate effect provisionally under section 16 of the 1967 Act, proper notice is given of the effect of the direction and (where appropriate) of any decision of the Minister of Housing and Local Government that the order should not be confirmed.

Regulation 2(*e*) (*f*) and (*g*) amends Part IV (Building Preservation Orders) of the 1964 regulations to provide for the giving of similar notices in the case of building preservation orders containing a direction providing for immediate provisional effect under section 10 of the 1967 Act.

Regulation 2(*a*) makes a drafting amendment to the 1964 regulations for the purposes of these regulations; and regulation 2(*h*) restores a provision which was omitted from regulation 32 of the 1964 regulations when they consolidated earlier instruments.