2. GENERAL PROVISIONS

The Town and Country Planning (General) Regulations, 1948

1948 No. 1380

Made - - - -	*24th June*, 1948
Laid before Parliament	*24th June*, 1948
Coming into Operation	*1st July*, 1948*

The Minister of Town and Country Planning, in exercise of the powers conferred on him by sections 9, 19, 20, 22, 24, 27, 30, 33, 45, 79, 84, 105, 110 and 111, and paragraph 13 of the 10th Schedule to the Town and Country Planning Act, 1947(a), and by section 23 of the Town and Country Planning Act 1944(b) as amended by that Act 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 (General) Regulations 1948 and shall come into force on the appointed day.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely:—

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

" the appointed day " means the day appointed for the coming into force of the Act*.

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

Notices under section 9 of the Act

3.—(1) A notice under subsection (1) of section 9 of the Act (which relates to the right of owners of land designated by a development plan as subject to compulsory acquisition to require their interests to be acquired) shall be in writing specifying the interest to be acquired and shall be served on the local planning authority by delivering it at the offices of the authority addressed to the Clerk thereof, or by sending it by pre-paid post addressed as aforesaid.

(2) Any such notice as is mentioned in paragraph (1) of this regulation may be served at any time after the expiration of eight years in the case of agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928(d), or of twelve years in any other case, from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated, came into operation.

Claims for compensation and purchase notices

4.—(1) A claim for compensation made to a local planning authority under any of the following sections of the Act, namely sections 20, 22, 27 and 79, or a purchase notice served on the council of a county borough or a county district

(a) 10 & 11 Geo. 6. c. 51. (b) 7 & 8 Geo. 6. c. 47.
(c) 52 & 53 Vict. c. 63. (d) 18 & 19 Geo. 5. c. 44.

* *See* S.I. 1948 No. 213, p. 4087 above.

under section 19 of the Act or under that section as modified by section 22 or section 27 thereof shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council addressed to the Clerk thereof or by sending it by pre-paid post addressed as aforesaid.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) of this regulation shall be served shall be a period of six months from the date of the direction, order or decision in respect of which such claim or notice is made or given:

Provided that such period may be extended by the Minister in any particular case.

Notices etc. to occupiers and persons having an interest in premises

5. The manner in which a notice or document such as is referred to in subsection (2) of section 105 of the Act shall be marked in order that it shall be deemed to be duly served under head (*b*) of that subsection shall be by inscribing clearly and legibly upon the notice or document and upon the envelope containing it, the words " Important—This Communication affects your property ".

Application of enforcement provisions of the Act to works in contravention of section 30 (6)

6. The following exceptions and modifications shall be made in subsections (3) to (5) of section 23 and section 24 of the Act in their application to a notice served under subsection (8) of section 30 of the Act, namely:—

(*a*) in paragraph (*a*) of the proviso to subsection (3) of section 23 for the words " on the land of any building or works, or for the continuance of any use of the land, to which the enforcement notice relates ", there shall be substituted the words " of the works affected by the notice ";

(*b*) for heads (*a*) and (*b*) of subsection (4) of section 23 there shall be substituted the following heads:—

" (*a*) if satisfied that no works have been carried out in contravention of subsection (6) of section 30, or that the works have been carried out before effect has been given to the requirements of subsections (3) and (4) of section 30 of this Act so far as they relate to such person, shall quash the notice to which the appeal relates;

(*b*) if not so satisfied but satisfied that the requirements of the notice exceed what is necessary for restoring the building to its former state, shall vary the notice accordingly; "

(*c*) in subsection (2) of section 24 the words " served under the last foregoing section in respect of any development " shall be omitted, and for the words " the development was carried out " there shall be substituted " the works were carried out ";

(*d*) subsections (3) and (4) of section 24 shall be omitted;

(*e*) in subsection (5) of section 24, for the words " an enforcement notice under the last foregoing section ", there shall be substituted the words " a notice under subsection (8) of section 30 of this Act ".

Notices under section 33 *of the Act*

7.—(1) A notice under subsection (1) of section 33 of the Act (which relates to the abatement of injury caused by the condition of any garden, vacant site or other open land) shall be served in any manner provided for the service of such a notice by section 105 of the Act and regulation 5 of these regulations.

(2) The following exceptions and modifications shall be made in subsections (3) to (5) of section 23 and section 24 of the Act in their application to any such notice as is referred to in paragraph (1) of this regulation, namely:—

(*a*) in subsection (3) of section 23, paragraph (*a*) of the proviso shall be omitted;

(*b*) for heads (*a*) and (*b*) of subsection (4) of section 23, there shall be substituted the following heads:—

" (*a*) if satisfied that the condition of the land to which the notice relates is such as results in the ordinary course of events from operations or a use for which permission was granted under this Part of this Act, shall quash the notice to which the appeal relates;

(*b*) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for abating the injury, shall vary the notice accordingly; "

(*c*) in the proviso to subsection (4) of section 23, the words " without prejudice to the provisions of paragraph (*a*) of the proviso to subsection (3) of this section " shall be omitted;

(*d*) in subsection (2) of section 24 the words " served under the last foregoing section in respect of any development " shall be omitted, and for the words " the development was carried out," there shall be substituted the words " the condition of the land was caused ";

(*e*) in subsection (3) of section 24 for the words from the beginning of the subsection up to and including " these operations ", there shall be substituted the words " Where any steps specified in the notice for abating the injury have not been taken within the period therein specified, then if any person on whom such notice has been served causes or permits the injury to continue after the expiration of that period ", for the word " fifty " there shall be substituted the word " ten ", for the word " use " the word " injury ", and for the word " twenty " the word " two ";

(*f*) subsection (4) of section 24 shall be omitted;

(*g*) in subsection (5) of section 24 for the words " an enforcement notice under the last foregoing section " there shall be substituted the words " a notice under section 33 of this Act ".

Application of Public Health Act, 1936, to enforcement notices

8. The provisions of section 276, 289, 292 and 294 of the Public Health Act, 1936(a), shall apply in relation to steps required to be taken by an enforcement notice under section 24 or by a notice under subsection (8) of section 30 or under section 33 of the Act as if for references to a local authority or a council there were substituted references to a local planning authority, for references (in whatever form) to the execution of works under the said Act there were substituted references to the taking of steps required to be taken under such a notice, and for the reference in section 294 to " expenses under this Act " there were substituted a reference to expenses incurred in the taking of such steps as aforesaid.

Prescribed period under section 84

9. For the purpose of subsection (3) of section 84 of the Act (which provides that where land has since the appointed day ceased to be operational land of statutory undertakers, no development charge will be payable in respect of

(a) 26 Geo. 5 & 1 Edw. 8. c. 49.

its use for the purpose prevailing generally in the use of contiguous or adjacent land, or in respect of any operations necessary for making that use, if the use is instituted or the operations are carried out within such period after the cessation as may be prescribed in these regulations) the prescribed period shall be a period of five years.

Disputes as to prevailing use

10.—(1) An application under section 110 of the Act for the reference of a dispute arising in relation to any land, as to what is the use which prevails generally in the case of contigous or adjacent land, shall be made to the Central Land Board within 28 days from the date on which a notice that a dispute arises is served by one of the parties concerned on the other party or parties.

(2) Any such application shall be sent by post or delivered to any office of the Central Land Board, and a copy of such application shall be sent to the other party to the dispute, unless such party is the Central Land Board.

(3) An appeal to the Minister from a determination of the Central Land Board in any such dispute as aforesaid shall be in writing giving the Board's reference number, if known, shall state the grounds of the appeal, and shall be sent to the Minister within 28 days from the date of such determination; and the appellant shall also send a copy of such appeal to the other party or parties to the dispute.

Concurrent procedure under section 45 (6) for development plans and compulsory purchase orders

11. Where notice has been given in the London Gazette of the submission to the Minister of a development plan, or of proposals for the amendment of such a plan, or of any proposal by the Minister to make or amend such a plan, and the plan or proposals as submitted or the proposal of the Minister designates any land as subject to compulsory acquisition, any proceedings required by the Acquisition of Land (Authorisation Procedure) Act, 1946(a), to be taken for the purposes of an order or authorisation for the compulsory acquisition of such land or any part thereof under subsection (1) of section 37 or subsection (1) of section 38 of the Act may be taken concurrently with any proceedings required by or under the Act to be taken in connection with the approval, making or amendment of such development plan:

Provided that no such order or authorisation shall be confirmed, made or given by a Minister before such plan or amendment has become operative.

Concurrent procedure for acquisition of land and extinguishment of rights of way

12.—(1) Where under section 38 of the Act a compulsory purchase order for the acquisition of any land has been made by a local authority and submitted to the Minister in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, or where any land has been acquired by a local authority under section 40 of the Act, the succeeding provisions of this regulation shall apply in relation to the extinguishment of public rights of way over such land and the acquisition of land for the provision of alternative rights of way.

(a) 9 & 10 Geo. 6. c. 49.

(2) The Minister may on or after any such submission or acquisition publish in accordance with the provisions of paragraph (1) of the Sixth Schedule to the Act, as applied by section 23 of the Town and Country Planning Act, 1944, notice of an order proposed to be made under subsection (1) of section 23 of that Act, relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Minister of Transport may prepare in draft or a local highway authority may make a compulsory purchase order under subsection (3) of the said section 23, for the acquisition of land for providing an alternative right of way.

(4) Any other proceedings required to be taken in connection with the making of an order under subsection (1) of section 23 of the Town and Country Planning Act, 1944, may be taken concurrently with the proceedings required to be taken in connection with such order as is mentioned in paragraph (1) of this regulation, and any other proceedings for the making or confirmation of such compulsory purchase order as is referred to in paragraph (3) of this regulation may be taken concurrently with either or both of the said proceedings:

Provided that:—

(*a*) no such order under the said subsection (1) of section 23 shall be made until the land over which the right of way subsists has been acquired by the local authority; and

(*b*) no such compulsory purchase order as is referred to in paragraph (3) of this regulation shall be made by the Minister of Transport or confirmed, until the original right of way has been extinguished by an order under the said subsection (1) of section 23.

Transitory provisions as to the Restriction of Ribbon Development Acts

13.—(1) Any application to a highway authority under the Restriction of Ribbon Development Act, 1935(**a**), for any consent which that authority have power to give under section 1 or section 2 of that Act, being an application which has not been determined by that authority before the appointed day, shall be treated for the purposes of the Act as an application made to the local planning authority for planning permission, and shall be treated as having been so made on the appointed day:

Provided that where before the appointed day the highway authority have consulted with the Minister of Transport in accordance with the provisions of subsection (3) of section 4 of the Trunk Roads Act, 1936(**b**), the application shall not, provided any requirements of the Minister of Transport under that subsection are given effect to by the local planning authority, be treated as an application for development affecting trunk roads for the purposes of the Town and Country Planning (General Development) Order, 1948(**c**).

(2) Any decision of a highway authority on an application for such a consent under the Restriction of Ribbon Development Act, 1935, shall, unless the applicant has appealed against that decision under section 7 of that Act before the appointed day, be treated for the purpose of section 16 of the Act, as the decision of a local planning authority on an application for planning permission.

(**a**) 25 & 26 Geo. 5. c. 47. (**b**) 1 Edw. 8 & 1 Geo. 6. c. 5.
(**c**) S.I. 1948 No. 958, p. 4147 below.

(3) Any appeal to the Minister of Transport under the said section 7 which is pending on the appointed day shall be treated as an appeal to the Minister under section 16 of the Act:

Provided that where under the said section 7 any such local inquiry as is required by that section has been held before the appointed day, the proviso to subsection (2) of section 15 of the Act, shall not apply in relation to any such appeal.

(4) Any such application as is referred to in paragraph (1) of this regulation shall be sent by the highway authority to the local planning authority with any plans, drawings or other documents relating thereto and the highway authority shall notify the applicant accordingly.

Given under the official seal of the Minister of Town and Country Planning this twenty-fourth day of June, 1948.

(L.S.)

T. H. Sheepshanks,
Secretary, Ministry of Town and Country Planning.

EXPLANATORY NOTE

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

These regulations make provision for various procedural matters under the Town and Country Planning Act, 1947. Regulations 3, 4, 5 and 7 (1) prescribe the time and manner in which certain notices may be given and claims made under the Act. Regulations 6 and 7 (2) deal with the adaptation of the provisions of the Act as to enforcement notices (sections 23 and 24) to notices of a similar character under other sections of the Act, and regulation 8 adapts certain provisions of the Public Health Act, 1936, dealing with the recovery of expenses and similar matters, so as to apply them to proceedings under these notices and under enforcement notices. Regulation 9 fixes at 5 years the period within which land which has ceased to be operational land of statutory undertakers may be developed without payment of development charge. Regulation 10 deals with the procedure for referring disputes as to what is the " prevailing use " of land to the Central Land Board and the Minister. Regulations 11 and 12 provide for proceedings being taken concurrently in respect of (i) development plans and compulsory purchase orders, and (ii) compulsory purchase orders and orders extinguishing rights of way. Regulation 13 is of a transitory nature, providing for the transfer to local planning authorities of applications under section 1 or section 2 of the Restriction of Ribbon Development Act, 1935, which have not been finally determined before the appointed day (1st July, 1948), on which date those sections are repealed.