STATUTORY INSTRUMENTS

1973 No. 1285

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Isles of Scilly) Order 1973

Made - - -	23*rd July* 1973
Coming into Operation	23*rd August* 1973

The Secretary of State for the Environment in exercise of his powers under section 269 and 287(3) of the Town and Country Planning Act 1971(**a**) and of all other powers enabling him in that behalf hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Town and Country Planning (Isles of Scilly) Order 1973 and shall come into operation on 23rd August 1973.

Interpretation

2.—(1) In this order—

"the Act" means the Town and Country Planning Act 1971;

"the Isles" means the Isles of Scilly as defined by the Isles of Scilly Order 1943(**b**);

"the said council" means the council of the Isles as constituted under the Isles of Scilly Order 1943;

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Application of Act to Isles of Scilly

3.—(1) The provisions of the Act specified in Parts I, II and IV of Schedule 21 to the Act shall apply to the Isles as if the Isles were a separate county and subject to the following modifications:—

(*a*) the local planning authority for the purposes of the Act shall be the said council;

(*b*) any reference to the council of a county shall include a reference to the said council;

(*c*) any reference to a county district shall include a reference to the Isles and any reference to the council of a county district shall include a reference to the said council:

(**a**) 1971 c. 78.
(**b**) S.R. & O. 1943/107 (Rev. XII, p. 558: 1943 I, p. 602).
(**c**) 1889 c. 63.

Provided that any provision as to consultation between a local planning authority or the council of a county and the council of a county district, or as to the giving of notice by one such authority or council to another shall not apply;

(*d*) section 263 shall not apply;

(*e*) any reference to the appointed day shall be construed as a reference to the 1st August 1949 and the definition of that expression in subsection (1) of Section 290 of the Act shall be modified accordingly.

(2) Any order, scheme, rule, regulation or direction made or given (whether before or after the coming into force of this order) under the Act shall in its application to the Isles be construed in accordance with the provisions of paragraph (1) of this Article.

Revocation and savings

4. The Town and Country Planning (Isles of Scilly) Order 1949(**a**) is hereby revoked, but without prejudice to the validity of anything done thereunder.

Geoffrey Rippon,
Secretary of State for the Environment.

23rd July 1973.

EXPLANATORY NOTE

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

Section 269(1) of the Town and Country Planning Act 1971 requires the Secretary of State for the Environment after consultation with the council of the Isles of Scilly to provide by Order for the application of the provisions specified in Parts I and II of Schedule 21 to that Act to the Isles of Scilly as if those Isles were a separate county. Section 269(3) enables the Secretary of State, after consultation with the council, to provide by Order for the application of Part IV of the said Schedule as if the Isles were a separate county or county district. This Order (which revokes and re-enacts the provisions of the Town and Country Planning (Isles of Scilly) Order 1949) applies all of the said provisions of the Act to the Isles as though they were a separate county and subject to the modifications which are set out in Article 3(1). In addition to the statutory provisions applied to the Isles of Scilly by the Order of 1949, Parts I, II and IV of Schedule 21 to the Act of 1971 relate to certain provisions of that Act which were formerly contained in the Act of 1968 and which are now applied to the Isles by this Order.

(**a**) S.I. 1949/1321 (1949 I, p. 4033).

SI 1973/1285
ISBN 0-11-031285-6

