EXPLANATORY NOTE

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

These Regulations are made under section 35(3) of the Town and Country Planning Act, 1947, which provides that where a local planning authority owns land, or wishes to develop land, for which it is itself the local planning authority Part III of the Act (which includes the power of the local planning authority to grant permission to develop land and the power of the Minister to direct a local planning authority to refer any application for such permission to the Minister for determination), shall have effect, subject to such exceptions and modifications as are prescribed by Regulations.

The main modifications made by these Regulations are—(1) that such an authority shall notify its intention to develop to the Minister who, unless he considers a formal application unnecessary, may require the application to be made to him for determination; (2) that any other applications for consent or approval by a local planning authority in relation to any such land shall be made to the Minister, whose decision shall be final; and (3) that compensation in cases of refusal or revocation of the permission, and in other kindred cases shall not be claimed by the authority in respect of such land.

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# The Town and Country Planning (Local Authorities' Land: Exceptions to Section 82) Regulations, 1948

## 1948 No. 1461

| | |
|---|---|
| *Made - - - -* | *30th June,* 1948 |
| *Laid before Parliament* | *30th June,* 1948 |
| *Coming into Operation* | *1st July,* 1948* |

B2521.

The Minister of Town and Country Planning in exercise of the powers conferred on him by Section 82 (1) (*c*) of the Town and Country Planning Act, 1947(**a**), and 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 (Local Authorities' Land: Exceptions to Section 82) Regulations, 1948, and shall come into force on the appointed day.*

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

(3) In these regulations—

(*a*) " the Act " means the Town and Country Planning Act, 1947(**a**); and " the appointed day " means the day appointed for the coming into force of the Act;*

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(**a**) 10 & 11 Geo. 6. c. 51. (**b**) 52 & 53 Vict. c. 63.

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

(*b*) "land held for commercial purposes" means land held for the purpose of any activity (including restaurants, theatres, concert-halls, holiday camps and airfields) with the intention of making profit therefrom, whether that intention is the main object of that activity or not.

**2.** The following classes of land shall be excepted from the provisions of Section 82 of the Act:—

(1) Land held for commercial purposes.

(2) Land held solely or mainly for the revenue derived therefrom.

(3) Land held for industrial estates.

(4) Land held by local highway authorities for working and winning minerals for highway purposes.

(5) Land acquired by a local authority—

(*a*) before the appointed day in pursuance of a notice to treat served after the passing of the Act, or in pursuance of a contract (not being a contract which excludes the application of subsections (2) and (3) of Section 91 of the Act) made after the passing of the Act;

(*b*) on or after the appointed day in pursuance of a notice to treat served or a contract made after the passing of the Act;

and not for the time being developed by that authority.

Provided that classes (1) to (4) shall not include the following land:—

(i) land acquired by a local authority—

(*a*) in pursuance of a notice to treat served, or a contract made, before the passing of the Act; or

(*b*) before the appointed day in pursuance of a contract made after the passing of the Act, being a contract which excludes the application of subsections (2) and (3) of Section 91 of the Act;

under an express statutory power to acquire land for the benefit of the area of the local authority, or for development or recoupment or other general purposes not more particularly identified (including land acquired for the improvement or development of frontages under Section 83 of the Public Health Act, 1925(a)) which is for the time being not developed by that authority or appropriated to any more particular purpose;

(ii) land held for the purpose of any enactment relating to housing;

(iii) land held for the purpose of—

a gymnasium, public library, museum or art gallery; a cemetery, burial ground, crematorium or mortuary; the burial of carcases.

Dated this thirtieth day of June, 1948.

Given under the Official Seal of the Minister of Town and Country Planning.

(L.S.)

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

(a) 15 & 16 Geo. 5. c. 71.

EXPLANATORY NOTE

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

By section 82 of the Town and Country Planning Act, 1947, land held at the appointed day (1st July, 1948) by a local authority for the purposes of their functions is excluded from the provisions of Part VI of the Act and no development charge is payable if the land is developed or if it is appropriated or sold or leased for another purpose with a planning permission. Where land held by a local authority at any time for the purposes of their functions is compulsorily acquired from that authority the compensation on such acquisition is to be assessed on the basis that no development charge would be payable for any development by which the use of the land is made to correspond with the generally prevailing use of contiguous or adjacent land.

Certain land is excepted from the benefit of this section, including land of any class excepted by these regulations.

Class (5) refers to land which a local authority has acquired at restricted value and which is not developed by that authority. The object of taking it out of the section is that upon any compulsory acquisition from that authority, the latter (having acquired it at restricted value) shall not reap the benefit of " prevailing use value " referred to above.

On the other hand the effect of the Proviso is that the land therein mentioned (all of which will have been acquired at unrestricted value) falls back into the section and is thus excluded both from a claim under Part VI and from a development charge.

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## 11. DEVELOPMENT PLANS

# The Town and Country Planning (Development Plans) Regulations, 1948

## 1948 No. 1767

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|---|---|
| *Made - - - -* | *28th July,* 1948 |
| *Laid before Parliament* | *28th July,* 1948 |
| *Coming into Operation* | *16th August,* 1948 |

B.2562.

The Minister of Town and Country Planning, in exercise of the powers conferred on him by Sections 8, 10, 11 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:—

PART I

GENERAL

*Citation and Commencement*

**1.** These Regulations may be cited as the Town and Country Planning (Development Plans) Regulations, 1948, and shall come into force on the sixteenth day of August, 1948.

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(a) 10 & 11 Geo. 6. c. 51.